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**Challenging Theoretical Explanations of
the External Dimension of the European Union's
Internal Security: the EU's Police Cooperation in
the Western Balkans as Political Practice**

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ACADEMIC DISSERTATION

To be presented, with the permission of the Faculty of Social Sciences of the University of Helsinki, for public examination at the University Porthania Building, in the Lecture Hall PIII (Yliopistonkatu 3, 1st floor), on 4th April 2020, at 11 o'clock.

HELSINKI 2020

To Finland

ISBN 978-951-51-5964-9 (paperback)

ISBN 978-951-51-5965-6 (PDF)

Abstract

This doctoral dissertation examines the ‘politics’ of the EU’s international police cooperation. The existing academic scholarship approaches the historical process of internationalization of the European internal security and law enforcement collaboration mainly from a ‘technocratic’ and ‘apolitical’ perspective, whereby ‘externalization’ of the Union’s internal security objectives to the third countries and regions is explained in a ‘functionalist’ manner as a response to the ever growing menace of international organized crime. The ‘institutional factor’, or the presence of adequate anti-crime institutional resources and infrastructure, is additionally highlighted by scholars as an important enabler of the Union’s international cooperation in the domain of internal security. By contrast, the causal role of the EU’s high-level political and power considerations in the justice and home affairs’ internationalization process has remained insufficiently understood and theorized in the existing literature. This research project expands the theoretical horizons of both specialized literature on the EU’s external JHA cooperation and a broader stream of research on the EU’s foreign policy by exploring the Union’s police cooperation as primarily reflective of the EU’s evolving international political and power ambitions regarding its geographical neighbourhood. It thus challenges the prevalent view of the external dimension of JHA as being a merely security-driven, anti-crime practice, and a ‘functional corollary’ of the process of institutionalization of the EU’s internal JHA landscape. Empirically, the dissertation engages with the examination of the recent history and practices of European internal security collaboration in the EU’s core strategic neighbourhood of the Western Balkans: being perceived and securitized as a ‘stronghold’ of organized crime in the European discourse, this region has for years acted as a site of the Union’s most intense international anti-crime activities. Chronologically, the research project spans the major period of 1991-2011, when the Western Balkans rose to prominence in the EU’s foreign policy and cooperation on internal security matters and police cooperation with this region acquired particular importance for the Union. The dissertation project is of significance not only due to its empirical value (it is based on a significant amount of raw empirical data that the author processed into findings by methods such as interviews with people at the front-line of policy developments), but also because it opens up new theoretical-conceptual avenues to the study of the European Union as an international political actor.

Acknowledgements

Now, when this intellectual journey is finally over, I would like to express my profound appreciation to the following people.

My biggest ‘thank you’ goes to my supervisor, Professor Heikki Patomäki, who generously gave his invaluable time and expertise to make this work a reality. Heikki’s brilliant intellect and relentless search for truth have been my personal sources of inspiration during the process of writing the dissertation. Without his guidance, critical comments, and constant encouragement this dissertation would not have been possible.

Next, I am indebted to my best friend Yuri whose tireless spiritual support has been vital in the process of bringing this work to completion.

I express my deep appreciation to Professors Florian Trauner, Hanna Ojanen, and Pami Aalto for their efforts at reading and commenting on the dissertation during the pre-examination process.

I am also grateful to Professor Henri Vogt for reading the draft version of this work and for his kind agreement to act as an opponent during the dissertation’s public defence.

Special gratitude goes to Brendan Humphreys, my colleague from the Aleksanteri Institute, who did the language check for this dissertation and who has been a supportive and generous friend.

This work would not have been possible without help of the following people: Jürgen Storbeck, Max-Peter Ratzel, Ottavio Bottechia, Katarina Lednik, Dimitar Bechev, Monica den Boer, Jorg Monar, Max Bergman, Anton Travner, Detlef Schröder, Erkki Hämäläinen, Kari Rantanen, Marjo Waismaa, Ludo Block, Nikolai Sokolov, Menno Hegemeier, and Sarah Wolff. All of them generously shared their expertise with me, thus contributing to making this work possible.

Tuomas Forsberg, Teivo Teivainen, Juhana Auneusluoma, Emilia Palonen, Juri Mykkänen, Hanna Wass, Jemima Repo, Katri Vihma, Tanja Tamminen, Aleksandra Paravina, Greg Simons, Matti Ylönen, and others – I appreciate having such an remarkable group of colleagues and friends to share this work with!

This dissertation benefitted from the financial support of the following research foundations and institutions: the Centre for International Mobility (CIMO), the Niilo Helander Foundation, the Finnish Cultural Foundation, the Jenny and Antti Wihuri Foundation, University of Eastern Finland, and University of Helsinki.

Abbreviations

AEPC	Association of European Police Colleges
AFSJ	Area of Freedom, Security and Justice
AOP	Action-Oriented Paper
AWFs	Analytical Work Files
BiH	Bosnia and Herzegovina
CARDS	Community Assistance for Reconstruction, Development, and Stabilization
CEE	Central and Eastern Europe
CEECs	Central and Eastern European Countries
CEPA	Central European Police Academy
CEPOL	European Police College (European Union Agency for Law Enforcement Training)
CFSP	Common Foreign and Security Policy
CIS	Customs Information System
CMEA	Council for Mutual Economic Assistance
CoE	Council of Europe
CSCE	Conference on Security and Cooperation in Europe
CSDP	Common Security and Defence Policy
COREPER	Committee of Permanent Representatives
COSI	Standing Committee on Operational Cooperation on Internal Security
COSPOL	Comprehensive Operational Strategic Policing
DCAF	Geneva Center for the Democratic Control of Armed Forces
DG	Directorate-General
EACGs	Ethnic Albanian Crime Groups
EAW	European Arrest Warrant
EC	European Community
ED-JHA	External dimension of the EU's justice and home affairs
EDU	European Drugs Unit
EEAS	European External Action Service
EEC	European Economic Community
EEOC	Eastern European Organized Crime
EFP	European Foreign Policy
EFPA	European Foreign Policy Analysis
EIS	Europol Information System

EMCDDA European Monitoring Centre for Drugs and Drug Addiction
ENP European Neighbourhood Policy
EPC European Political Cooperation
ERWG External Relations Working Group
EU European Union
EULEX European Union Rule of Law Mission in Kosovo
EUPM European Union Police Mission
Eurodac EU fingerprint database
Eurojust European Union Agency for Criminal Justice Cooperation
Europol European Police Office (European Union Agency for Law Enforcement Cooperation)
FR Federal Republic
Frontex European Border and Coast Guard Agency
ICITAP International Criminal Investigative Training Assistance Programme
ICTY International Criminal Tribunal for the Former Yugoslavia
ILECU International Law Enforcement Coordination Unit
ILOR International letter of request
Interpol International Criminal Police Organization
IOM International Organization for Migration
IPA Instrument for Pre-Accession Assistance
IR International Relations
IRA Irish Republican Army
JHA Justice and home affairs
JHA Council Council of Interior and Justice Ministers
JIT Joint investigation team
JLS Justice, Liberty, Security
JPCC Joint Police and Customs Centre
KLA Kosovo Liberation Army
MARRI Migration, Asylum, Refugees Regional Initiative
NATO North Atlantic Treaty Organization
NCB National Central Bureau
OCG Organized criminal group
OCTA Organized Crime Threat Assessment
OCTA-SEE Organized Crime Threat Assessment for South-Eastern Europe
OSCE Organization for Security and Cooperation in Europe
PCC-SEE Police Cooperation Convention for Southeast Europe

PFI Police Forum Initiative

PHARE Poland Hungary Assistance for the Reconstruction of the Economy

PVLMM Post-Visa Liberalization Mechanism

QMV Qualified majority voting

RCC Regional Cooperation Council

SAA Stabilization and Association Agreement

SALW Small arms and light weapons

SAP Stabilization and Association Process

SECI Southeast European Cooperative Initiative

SEE South-Eastern Europe

SEEPAG Southeast European Prosecutors Advisory Group

SEESAC South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons

SELEC South East European Law Enforcement Centre

SEPCA Southeast Europe Police Chiefs Association

SFRY Socialist Federal Republic of Yugoslavia

SIENA Secure Information Exchange Network Application

SIRENE Supplementary Information Request at the National Entries

SIS Schengen Information System

SOCTA Serious and Organized crime Threat Assessment

SPOC Initiative to Fight Organized Crime

TEU Treaty on the European Union

TREVI *Terrorisme, Radicalisme, Extremisme et Violence Internationale*

UN United Nations

UNMIK United Nations Interim Administration Mission in Kosovo

UNODC United Nations Office on Drugs and Crime

U.S. United States

VIS Visa Information System

WBOC Western Balkan Organized Crime

WEU Western European Union

WMD Weapons of mass destruction

WTIII Working Table III

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Chapter 1. Introduction

'Politics always comes first in international police cooperation'

Max-Peter Ratzel, Europol's director in 2005-2009

'Security is a particular type of politics'

Barry Buzan

1.1. Research Background and Problem. Historical-empirical and Theoretical Dimensions of This Research

The decade of the 1990s became a critical turning point in the historical evolution of European integration. With the adoption of the Maastricht Treaty on the European Union, politically-sensitive cooperation on criminal police matters was for the first time included in the EU's formal sphere of competence – as part of a broader policy domain of justice and home affairs (JHA) – with the-then twelve Union member states pledging to assist each other in all possible ways to counteract trans-frontier crime on their common European territory. In the subsequent years, the EU intensified its collective efforts in the domain of internal security: numerous legal instruments were adopted and major institutional infrastructure was set up in order to more effectively tackle organized and serious crime in Europe. The increase in the EU-wide internal security collaboration was accompanied by the growing 'external dimension' of the Union's JHA activities;¹ cooperation on criminal police matters, a traditionally depoliticized and 'autonomous social field', as G. Papanicolaou (2011: 5) puts it, became progressively incorporated into the Union's relations with a number of third countries and international organizations. Since the late 1990s, police cooperation gained particular significance in the context of the Union's relationships with the Western Balkans;² this region of vital geopolitical importance for the EU turned into a principal target of various EU-sponsored, anti-crime programmes, projects, and initiatives.

¹ The term 'internal security', although commonly referred to in the literature as equivalent to a broader notion of 'justice and home affairs', is used in the present dissertation in a more narrow sense to denote 'police cooperation', or 'law enforcement cooperation'. In turn, the 'external dimension' of the EU's 'internal security' refers to the 'incorporation of police-related issues in relations with countries outside the EU's borders' (see, for example, Bossong and Hegemann 2018: 19; Smith, K. 2010: 3).

² According to the common definition, the region of the Western Balkans includes Albania, Croatia (since 2013, an EU member), Bosnia and Herzegovina, or 'BiH', Kosovo, Macedonia, Montenegro, and Serbia. Although the term 'Balkans' denotes, apart from its Western part, also the Eastern part of the Balkan peninsula, i.e., countries such as

In the existing academic literature, the growing internationalization of the Union's JHA cooperation is explained with reference to the three main 'impact' or 'development factors'.³ Firstly, according to scholars, the rapid evolution of the EU's transnational law enforcement capacity and cooperation since the 1990s has occurred as a pragmatic response to the increased external threats to the Union's internal security. As J. Monar (2014: 148), one of the leading European analysts of the EU's JHA cooperation, argues, 'the external challenges to internal 'AFSJ objectives' [*i.e., the objectives of protecting European citizens against various soft security threats, including organized crime*] have clearly been the *primary* 'driving factors' of the ED-JHA's development.⁴ The menace of international organized crime is referred to (alongside terrorism and migration) in the literature as a *major* factor conditioning the ED-JHA's rapid evolution. Specifically, organized crime is commonly put forward as a principal factor to explain the enhanced Euro-Balkan cooperation in the realm of internal security. Scholars consider the 'traditional proneness' of Balkan population to various illegal activities as a key driving factor of the Union's respective cooperative initiatives in this region. Thus, in the scholarly literature of the 2000s and 2010s dealing with the South-Eastern Europe, references to the Western Balkans as a major source of security threats to the EU became almost a commonplace. For example, S. Blockmans (2007) defines the Balkans as the 'roughest EU neighbourhood', and for B. Hettne and F. Söderbaum (2005: 540), 'the major European security problem is the Balkans'. Also, according to the official EU's rhetoric, 'functional'⁵ police cooperation with the Balkan region was initiated

Romania and Bulgaria, in the present dissertation, for the sake of convenience, the term 'Balkans' is used to refer to mainly 'Western' part of the region, i.e., the term 'Balkans' is used as a substitute for the 'Western Balkans'.

³ 'Factor' is normally understood in the existing literature to refer to a 'contributing cause', or something that influences the process. I.e., unlike the 'cause', which refers to a major or fundamental reason for the occurrence of an event, or acts as a *primary* driver of a process without which the latter cannot occur, 'factor' is a *secondary* driver without which the process can occur (see, for example, Angel 2019). In the present dissertation, given the dominant terminology in my field and for convenience sake, I understood 'factor' as synonymous with the term 'cause' and hence the assessment of the relative influence of impact of various factors on both the process and outcome [*of the EU's external cooperation on internal security matters*] that I perform here is understood as 'causal analysis'. This is additionally justified on the ground that the concept of 'factor' in the existing literature correlates with the definition of the 'cause'. Thus, J. Gerring (2005: 169), an established and well-cited social science methodologist, understands 'cause' according to its minimal definition, i.e., as referring to the 'event or condition that raise the probability of some outcome occurring'. Therefore, drawing from the commonality of terms 'cause' and 'factor' in the existing literature, in the present dissertation, I use the 'cause' as interchangeable with the 'factor'.

⁴ The acronyms 'ED-JHA' and 'ED-AFSJ' (the latter standing for the external dimension of the EU's Area of Freedom, Security and Justice (AFSJ) as defined in the Amsterdam Treaty on the European Union) will be used interchangeably in the present dissertation to denote the 'international' or 'external' side of the EU's justice and home affairs collaboration. Sometimes more generic acronym 'ED-JHA/AFSJ' will be also used.

⁵ In this dissertation, the adjective 'functional' is used in the context of discussion of European internal security/police cooperation to denote its practical-utilitarian and purpose-oriented nature. Many historians share the view on the essentially pragmatic and apolitical nature of the trans-frontier law enforcement practices: cooperation in this domain, according to them, has been traditionally executed by states as a means-ends and technical response to the internationalization of crime (see, for example, Das and Kratcoski 2001).

by the Union in the 2000s due to the major necessity to halt regional Balkan criminality and to ensure enhanced protection for the European citizens (The London Statement 2002).

Secondly, scholars also emphasize crucial dependency of the EU's ED-JHA/AFSJ's formation and evolution on the institutional developments within the EU. They consider 'institutional context', or presence of adequate organizational and administrative capacities for the common policy-building in the JHA/AFSJ, as an important internal 'enabling' factor for the internationalization of the EU-wide police activities, including those in the Balkans. For instance, J. Monar maintains that the evolving JHA/AFSJ's external dimension is, in fact, a continuation of the internal processes of institutionalization of the JHA domestic 'regime', or the so-called 'internal security governance'. According to him, 'External pressures on their own [...] would not have been sufficient to ensure the development of a significant external dimension of the AFSJ without a range of internal 'enabling' factors. The extension of the Union's internal action possibilities through the Maastricht, Amsterdam, and Lisbon EU Treaty reforms, the growth of internal legal *acquis* and the establishment and strengthening of specialized security agencies such as Europol 'have all contributed to a parallel growth of the rationale, possibilities and needs for the EU external action' in the realm of internal security (Monar 2014: 149; also Monar 2012: 13, 17; Monar 2015: 20). As he mentions, in particular, 'the internal development of the AFSJ has [...] made the EU an increasingly important partner for third countries seeking to reinforce cooperation on specific JHA issues, forcing the EU in turn to meet that demand' (Monar 2012: 18). Likewise, for F. Longo (2010: 73), institutionalization is an important factor in the ED-JHA evolution. As she points out, 'institutions, rules and procedures strengthen the EU's ability to promote a convergence of interests and to define collective policy strategy towards external actors', *inter alia*, in the JHA/AFSJ.

Finally, the growing EU's JHA/AFSJ's external dimension is explained in the existing scholarship with reference to the EU's international political and foreign policy interests and ambitions. For example, scholars argue that forms of political and institutional affiliation linking third countries and the European Union influence the nature of functional cooperation in the realm of internal security (e.g., Longo 2003). Notwithstanding this, they consider 'political factor' to be secondary to the functional one, and the causal impact of politics on the ED-JHA/AFSJ's evolution has so far remained one of the most under-researched themes both in the specialized JHA/AFSJ literature, and also in the wider literature on transnational law enforcement.⁶

⁶ Nadelmann (1993) is one of the notable exceptions to the 'functionalist trend' in the literature on international policing.

The problem with the existing scholarship on JHA/AFSJ, including literature on the external facets of this policy domain, is that despite having correctly identified the contribution of the major factors of ‘organized crime’, ‘institutional resources’ and ‘politics’ to the ED-JHA/AFSJ development (with particular emphasis on crime as a *primary* factor underpinning the ED-JHA/AFSJ), scholars have never undertaken an in-depth exploration of the relative ‘causal influence’ of these three factors on the ED-JHA/AFSJ’s formation. No detailed research has emerged so far on how the afore-mentioned three factors interact among each other and affect the final outcome in the form of actual police cooperation. To what exact degree can external security threats such as organized crime be held causally accountable for the progressive evolution of the external dimension of the Union’s internal security? In its turn, how important is the ‘institutional setting’ for this kind of policy, and to what extent do the EU’s international law enforcement initiatives depend on the institutional progress of the ‘internal security governance’ or ‘regime’ within the EU? Finally, what is the actual role of politics and/or politics-related factors in the process of the JHA/AFSJ’s internationalization? Despite growing scholarly research in the field, these questions have not received an in-depth treatment in the existing academic literature. For instance, while claiming that the security-related factor of organized crime is a major incentive of the Union’s external JHA/AFSJ cooperation, scholars have never subjected the explanatory validity of this factor to a rigorous empirical test. Meanwhile, substantiating how the afore-mentioned ‘incentives’ of the JHA/AFSJ’s externalization relate to each other, and what is their respective ‘causal weight’ in the process of the ED-JHA/AFSJ’s historical evolution may yield insights that both critically challenge the respective literature in the area and explain the ED-JHA/AFSJ as a major phenomenon of the EU’s international relations from a different perspective.

The case of the Western Balkans is particularly instructive in this context as it serves as an empirical puzzle questioning the actual ‘causal hierarchy’ of factors of the ED-JHA/AFSJ evolution – namely, the argument about organized crime as a leading ‘triggering factor’ of this process. The following serves to demonstrate this puzzle.

The beginning of the Union’s engagement in regional security matters in the Western Balkans dates back to the early 1990s, when the EC/EU⁷ faced with a pressing need to react to the military conflicts unfolding in the post-Yugoslav space. Rampant organized crime became a direct

⁷ In the text, I will use the ‘EC’ as an official acronym of the ‘European Community’ when referring to the relevant historical developments before the entry into force in November 1993 of the Maastricht Treaty on the European Union.

consequence of the intense ethnic strife among republics of former Yugoslavia: taking advantage of the post-communist anarchy, crime became wide-spread and established its base in most countries of the region. Interestingly enough, while already in the early 1990s the EC/EU became preoccupied with organized crime phenomenon in the Central and Eastern Europe (CEE),⁸ the Community/Union did not at the same time take the problem of escalating Balkan crime seriously and almost no attempts were undertaken at the EC/EU's level to halt ethnic Balkan crime that was penetrating to the adjacent Western European countries in ever increasing quantities. In the second half of the 1990s, when crime reached its peak in the Western Balkans and most member states of the EU already had a strong presence of the Balkan-linked criminality at their territories, the Union launched a number of important all-regional initiatives aiming to ensure lasting peace, stability, and security in this area. Yet, none of these initiatives contained anti-organized crime and law enforcement cooperation as their essential component, and no major strategy was formulated at the Union's level to deter the Balkan crime.

It appears from this observation that since the growing menace of Balkan crime for the EU's security was *not* accompanied in the 1990s by an adequate EU-wide anti-crime response, no direct causal connection existed between the security-related factor of organized crime on one hand – and the outcome in the form of police cooperation – on the other. While the Union's lack of interest in regional Balkan crime and the absence of EU-wide initiatives against this phenomenon might well be attributed to the-then scarce institutional infrastructure in the EU, which could have prevented the Union from developing in full its potential of external collaboration on internal security matters, the institutional factor does also not explain the absence of respective cooperative initiatives on the Union's part. This is because, while taking a passive and indifferent position towards crime stemming from its closest Balkan neighbourhood, during just the same period, the EU exhibited strong interest towards crime in other regions such as the CEE, to which most its anti-crime initiatives were directed at that period, but also Russia, including post-Soviet countries of Ukraine and Moldova, the Mediterranean region, and even geographically-remote Latin American countries. The institutional shortages typical for the EU's JHA/AFSJ cooperation in the 1990s were obviously not an obstacle for the Union to formulate policy strategies and to launch at least some law enforcement initiatives – to the extent permitted by its the-then institutional capabilities. By contrast, while displaying strong interest towards criminal police cooperation with

⁸ Hereinafter, for the sake of convenience, countries of Central and Eastern Europe (including in the first place five countries of Central Europe – Poland, Czech Republic, Slovakia, Slovenia, and Hungary, and also three Baltic states – Estonia, Latvia, and Lithuania) will be also referred to in the present dissertation as both the 'CEECs' and 'Eastern Europe'.

the afore-mentioned third partners, the Union almost completely ignored the pressing problem of organized crime in its Balkan periphery.

The situation changed radically in the 2000s. By contrast to the 1990s, the period typified by the spiralling Balkan crime, on one hand – and simultaneously by the EU's strange lack of motivation to address this problem, on the other hand, the next decade brought about a radical change in the Union's position towards internal security situation in the Western Balkans. In the 2000s, especially in the second half of the decade, problems of internal security and organized crime became the EU's top priority concern in this region. Surprisingly enough, this growth of Euro-Balkan police cooperation occurred in the situation of progressively declining Balkan crime. Thus, already since the early 2000s, with the cessation of major violent conflicts in ex-Yugoslavia and disappearance of many structural conditions that previously nourished the spread of the Balkan-linked illicit activities in the whole of Europe, regional criminality trends noticeably declined. At the same time, however, the amount of European law enforcement initiatives with the specific focus on the Western Balkans considerably increased in the 2000s, with the Union assuming a leading role as a cooperative partner of law enforcement authorities of the regional Balkan states. In short, similar to the 1990s, little 'causal connection' is observed between the patterns of organized crime and the respective dynamics of the EU's policing in the Balkans in the 2000s. Again, while the security-related factor of organized crime does not explain the EU's external police cooperation in the 2000s, the institutional factor offers only a partial explanation of the situation at hand. This is because while by the early 2000s the EU already had relatively well developed institutional capacities in the JHA/AFSJ, thus enabling it to more or less fruitfully cooperate with its Balkan counterparts, the Union did almost nothing to develop the Balkan dimension of its external policing activities. The timing of rapid institutional development of the EU's internal security regime coincides with the activation of Euro-Balkan police cooperation only in the second half of the 2000s, when many important institutional innovations were ushered in this domain with the entry into force of the Amsterdam Treaty and with the adoption of The Hague Programme. Yet, major impetus for the development of Euro-Balkan police cooperation was nonetheless given by the political developments at the EU level that made policing an explicit component of the Union's foreign policy in the Balkans.

The afore-described *de facto* absent (in the case of the external security-related factor of organized crime⁹) and only partial (in the case of 'internal 'enabling' factor' of the EU's

⁹ For the sake of convenience, hereinafter I will refer to the security-related factor of organized crime as 'security/organized crime' or 'security/crime'.

institutional capabilities) ‘causal inter-relationship’ between both sets of JHA/AFSJ ‘development factors’ – and the output in the form of Euro-Balkan police cooperation – constitutes the main empirical puzzle and a chief research problem to be explored and explained in the present dissertation. Since, in reality, neither in the 1990s, nor in the 2000s, the actual trajectory of Euro-Balkan police cooperation followed the respective security/crime developments, and only partially coincided with the institutional trends,¹⁰ neither of the proposed two factors is able to offer a sufficient account of the EU’s anti-crime policies and police collaboration in the Balkans. Taking a critical perspective on the existing scholarly explanations about the ‘rationales’ of the EU’s ED-JHA/AFSJ, this dissertation offers a different causal treatment of the issue of internationalization of the European business of internal security. It represents an attempt to construct a comprehensive causal explanation linking the afore-mentioned sets of factors as part of a single analysis and to explore the relation between these factors and the respective output from the multifactorial perspective. The aspiration behind these endeavours is to eventually demonstrate that the actual hierarchy of causal factors behind the ED-JHA/AFSJ’s development has been incorrectly understood in the academic scholarship and the understanding of evolution of this policy domain should be revisited from the dominant ‘political perspective’. The latter considers the politics of the Union, namely, its power-related interests and ambitions regarding third partners, to be a *major* and overarching causal factor, or driver, of the EU’s external cooperative law enforcement endeavours.

In terms of research focus, this dissertation represents a historical-empirical project dealing with the recent history of the Balkan’s serious and organized crime, institutionalization of European internal security model, and the EU’s international anti-crime and law enforcement practices in the Western Balkans in the context of the Union’s evolving political ambitions regarding its geographical neighbourhood. As a response to the notorious ‘specialization and differentiation tendency’ in the JHA/AFSJ academic research, where scholars often prefer uni-causal analysis to the comprehensive multi-causal explanations, as well as the ‘often relatively thin empirical basis’ of the published literature in the field (Monar 2016: 30), this dissertation purports to present a more accurate picture of the development of the external dimension of EU’s internal security. Through analyzing a rich amount of empirical data, the dissertation offers a comprehensive simultaneous exploration of the three determining factors of the ED-JHA/AFSJ evolution. Setting in rich historical context the international practices of the EU’s internal security,

¹⁰ Even taking into account the admissible time-lag that can be up to two years from the identification of crime trends and institutionalization of respective (i.e., law enforcement) policy domain – and the expected outcome in the form of police initiatives. For more information on this point, see footnote 37.

the study evaluates the respective developments in the field in relation to the three major causal drivers that scholars traditionally consider to impact the cooperative dynamics of the EU's ED-JHA/AFSJ – namely, security/organized crime, ‘institutional capabilities’, and the political factor. Contrary to what is claimed in the existing literature regarding the primacy of security/crime factor in the process of the EU's ED-JHA/AFSJ evolution, I hypothesize (and subsequently demonstrate) that the often disregarded political factor, or, more precisely, several politics-related factors, act as *primary* drivers of the politically-sensitive policy domain of the EU's internal security. I also test both explanatory potential and limitations of the factor of institutional resources, to which J. Monar and other specialists in the field explicitly refer to as ‘development factor’ in the JHA/AFSJ’s externalization process.¹¹

As regards the dissertation’s geographical focus, the core Union's strategic neighbourhood of the Western Balkans, which is often perceived in the Union as a ‘breeding ground’ of organized crime, and which in the 2000s has become a site of the EU's most intense police cooperation, provides fertile empirical environment for exploring the dissertation’s research question. Chronologically, the research spans twenty years between 1991 and 2011, the period characterized by the growing salience of Balkan organized crime in Europe and the subsequent expansion of European police activities in this region.

The dissertation project is of significance both due to its empirical value (it is based on a significant amount of raw empirical data that I processed into findings), and also because it opens up new theoretical-conceptual avenues to the study of the international politics of the European Union. Most importantly from the wider perspective of theoretical knowledge-building in the area, this dissertation potentially contributes to the existing scholarship in the area of European Foreign Policy Analysis (EFPA). The research project also relates back to the broader dilemmas in the field of International Relations (IR) studies, which is particularly pertinent in the light of the fact

¹¹ Concerning institutional factor, objections may be raised against this factor being attributed an ‘independent’ causal power, since increase in institutional capacities, or what is further referred to in the present work as ‘institutionalization’, is on its own causally impotent in explaining the outcome (in our case – Euro-Balkan police activities) by virtue of institutionalization itself being an epiphenomenon and outcome of wider political processes. However, even though ‘institutionalization’ should indeed be attributed a dependent role in the wider political process, since the dominant scholarship in the field conceives of institutionalization in terms of ‘factor’ (more precisely – ‘development factor’, or ‘internal ‘enabling’ factor’, with both terms semantically approximating the notion of ‘cause’), in order to perform critical causal analysis, I must remain within the confines of the dominant scholarly discourse in the field and ‘to take seriously’ the ‘institutional factor’ (i.e., to analytically treat it as ‘independent cause’ in the respective context) – at least for a time being. In other words, while recognizing implicitly that the growth of institutional resources/institutionalization is a ‘dependent factor’, rather than an ‘independent cause’ of events, for the reason mentioned above, in the present study, I treat institutionalization as if it were an ‘independent cause’. The meaning of this research strategy will become clear as one proceeds with a careful reading of the dissertation’s text. On this point, see additionally footnote 52.

that so far, conceptual synergies between the EFPA and meta-IR theories have remained scant. Specifically, investigating the evolution and practices of Euro-Balkan law enforcement interaction from a historical-empirical standpoint charts the way to a more insightful study about the nature of the Union as an international political actor and what policies and levels of its activities should be taken into consideration when studying its ‘international agency’ (ontology¹²). Ontologically, the EFPA has been disproportionately marked by an excessive concentration on the ‘high profile’ EU’s policies such as diplomacy and defence. Presently, abundant research exists on the Common Foreign and Security Policy (CFSP) as a core mechanism for the Union’s foreign policy cooperation, which, together with its defence component, the Common Security and Defence Policy (CSDP), are considered by the EU’s analysts as a major instrument of the Union’s power and as a ‘vehicle’ for implementation of its political, including power-related, objectives in the world arena.

Notwithstanding, since the late 1990s, the EFPA’s ‘conceptual expansion’ to include extra dimensions and policies into the understanding of the EU’s nature as an international polity (namely, the so-called ‘sectoral’ policies of international economics, trade and development), lower-level or ‘functional’ JHA/AFSJ policies, including criminal law enforcement, which entered the Union’s international cooperative agenda quite late by comparison to the EU’s sectoral policy domains, still remain at the theoretical margins of study of the Union’s international political relations.¹³ The prevailing view in the contemporary scholarship is one of the ED-JHA/AFSJ representing merely an ‘apolitical’ and ‘technocratic’ ‘external projection’ of the Union’s internal security objectives towards the outside world. This view remains dominant notwithstanding the increased foreign policy relevance of the JHA/AFSJ policies: as S. Keukeleire and T. Delreux emphasize, in the EU’s external domain, ‘AFSJ issues increasingly dominate over foreign and security issues’ (Keukeleire and Delreux 2014: 236). Despite repeated calls to bridge the gap between the analytically-separate domains of JHA and CFSP and to address the question of the ED-JHA’s added value for the EU as an actor of foreign policy (Wolff 2009: 180), the question about the role of the Union’s lower-level JHA policies (together with the respective instruments) in

¹² In contrast to traditional philosophy, where ‘ontology’ refers to the ‘nature of being’, or ‘what is/exists’, i.e., the basic ‘constituent units of reality’, the definition of ‘ontology’ in the present research replicates more narrowly the approach characteristic specifically of the political analysis. In the given study, ‘ontology’ is concerned, according to C. Hay, with ‘the (specific) set of assumptions made about the nature, essence, and characteristics [...] of a [concrete] object or set of objects of analytical inquiry’. Thus, the focus here is specifically on the ‘political ontology’, which is alternatively defined as ‘regional ontology’, and refers ‘to political being, to what is politically, to what exists politically, and to the units that comprise political reality’ (Hay 2011: 462-463).

¹³ In a broader institutional sense, the EU’s foreign affairs system is understood in the literature as comprising the following larger sub-areas: the Union’s foreign policy as such (the CFSP/CSDP), sectoral policies falling under the EU’s ‘external action’ (e.g., trade and development), and the ‘external dimensions of internal policies’, or ED-JHA/AFSJ (e.g., police cooperation). The latter also refer to those EU’s sub-policies, which before the adoption of the Lisbon Treaty on the European Union, institutionally formed part of the so-called ‘third pillar’.

advancing the EU's political and power practices internationally still remain under-investigated in the extant scholarship.

From a broader perspective of theory-building in the area, this study therefore aims to both challenge and enrich the contemporary EFPA with its excessive concentration on the macro-politics and actors of both CFSP and sectoral Community/Union's policies. The research expands the EFPA's current theoretical horizons through conceptualizing the EU's international political and power-seeking role through its 'functional-technical' external policies of internal security provision. It does so by performing, firstly, rigorous empirical analysis that unearths the 'causal complex' of ED-JHA/AFSJ and establishes the 'causal hierarchy' among the three proposed factors of evolution of this policy phenomenon. In this analysis, the alternative factor of 'politics' is claimed to have a primary causal effect on the Union's international police cooperation *vis-a-vis* the 'traditional' causal drivers such as 'security/organized crime' and 'institutional resources'. Secondly, as part of a more in-depth study of politics as an overarching 'causal determinant' of European internal security cooperation, the dissertation surveys relevant actors and institutions in the field as instruments of the EU's endeavours to maximize its political and power potential in the Western Balkans. The EFPA currently represents one of most dynamically developing segments of European studies, yet, it is still characterized by the considerable fragmentation, empirical specialization, and a lack of theory-oriented research (Bickerton 2011: viii). Because of this, the importance of empirical-historical academic research that helps to acquire a more holistic perspective on the nature of the Union's external politics and thus its place in the system of IR, cannot be underestimated.¹⁴

In addition, at an overarching theoretical level, this historical-empirical research has the potential to open up extra ontological avenues to the study of the EU as a subsystem of international relations and to thereby enrich broader IR debates. According to C. Hill *et al*, the European Union is 'deeply implicated in the wider regulatory processes of the international system' (Hill, Smith, and Vanhoonacker 2017a: 485). Consequently, through understanding the nature of the EU as a major component and building block of the global IR system, one will acquire a better understanding of IR as a whole. The key unit of world politics is the state, whose

¹⁴ And conversely, the analysis of the EU's foreign policy through the perspective of ED-JHA/AFSJ feeds back into extended theorizing about the Union's nature as a 'polity'. According to C. Bickerton, there is a deeper ontological dimension to the Union's foreign policy in that it is increasingly providing a vehicle for identity and polity-building in the EU. As he argues, from internal cooperation in economic and other areas, the EU is increasingly turning towards its international role as its main *raison d'être*: cooperation in foreign and security policy today represents 'a new phase in European integration' and functions 'as an alternative route for European integration' project (Bickerton 2011: 1-8). Given the growing centrality of the Union's foreign policy for the European integration process, the extended analysis in this area is of particular value.

‘monopoly on the legitimate use of force’ constitutes the cornerstone of its sovereignty, according to Max Weber (as cited in Lassman and Speirs 1994). In the realm of transnational policing, sovereignty sentiments and national preoccupations of states in securing their territories have always been strong, with ‘police bureaucracies’ cooperating with their overseas counterparts mainly on the basis of shared ‘functional interest’ in counteracting trans-frontier crime.¹⁵ While the European Union has not obtained an exclusive sovereign monopoly on operational police cooperation, and very limited powers have been delegated from national governments to the supranational EU's level in this domain so far, the EU's case demonstrates the potential of transformation of sovereignty principle under certain conditions, notably in occasions where EU-wide pragmatic police cooperation receives strong political backing from the member states. The gradual formulation of a common European interest and mobilization of national resources in the sensitive sphere of policing, as the case of Euro-Balkan cooperation demonstrates, implies that the member states have partially transcended their traditional monopoly on policing and have made the EU to act as a holistic international ‘police actor’. Admittedly, the EU's practices of acting as international law enforcement actor shed a new light on the long-standing and complex debates about the EU’s sovereignty and also feed back into the extended scholarly debates about the Union both as an independent international actor and a part of the IR system.

Epistemologically, the added value of this research project lies in it developing more objective knowledge about the causal hierarchy of factors that have been taken for granted, but rarely *interrogated in substantial detail* in the existing research, to explain the rapidly evolving ‘JHA/AFSJ-subfield’ of the EFPA. The dissertation invites more grounded study of the EU through the research of the specific phenomenon of ED-JHA/AFSJ by applying case-study method that allows for the intensive empirical analysis of the causal mechanism underlying the phenomena (‘thick description’) (George and Bennett 2005). From a more narrow methodological perspective, the dissertation also contributes to the accumulation of knowledge in the field through applying a set of qualitative research methods involving congruence method, historical-analytical narrative, and individual case-studies. Finally, new primary empirical evidence has been used in the dissertation for the first time to present historical facts that until now have been insufficiently analysed in the extant literature.

¹⁵ Historically, according to M. Deflem (2002), despite their wider international aspirations, cross-border cooperative police ventures remained subject to the ‘national concerns’ of participating states. Similarly, as M. Anderson *et al* put it, ‘the underlying institutional and conceptual grid which shapes transnational policing remains deeply embedded in the traditional structures and ideologies of the state’ (Anderson, den Boer, Cullen, Gilmore, Raab, and Walker 1995: 87).

1.2. *Research Questions and Objectives*

The dissertation pursues the following research objectives. The main empirical aim of the dissertation is to thoroughly and critically explore the causal significance of the three principal factors that are widely regarded by scholars to feed into the process of the EU's international police cooperation with a view to building their causal hierarchy and to revealing a *principal* impact of the heretofore under-estimated overarching politics-related factor(s) on this process. This task requires systematic testing of explanatory relevance of the afore-mentioned two principal independent factors in a rich empirical context – security/organized crime and politics, together with the ‘internal ‘enabling’ factor’ of institutional resources, – for the process of development of the EU's internal security collaboration in its strategic Balkan neighbourhood. The dissertation’s meta-theoretical aim is to acquire an extended knowledge of the EU's ontology as international political actor through exploring the external dimension of the Union's police cooperation. This will help to reach beyond the dominant scholarship where the Union's international political ‘actorness’ is conventionally theorized through the lens of the CFSP and sectoral policies.

More specifically, the dissertation aims to answer the following sets of research questions (through the concrete example of European police cooperation in the Western Balkans):

1. What is the real causal significance of factors that the existing academic literature considers vital for the formation of the international dimension of European internal security cooperation (i.e., security/organized crime, institutional context, and politics) on the actual process of transnational law enforcement of the EU? What factors are causally (ir)relevant in shaping the process of the Union's transnational policing?

2. How do the dynamics of the EU's international cooperation in the field of internal security historically reflect and respond to the changing political circumstances of the Union? What is the extent to which EU-wide operational police activities follow the Union's political principles and interests? How do the EU's specialized police agencies and instruments of pragmatic law enforcement advance the Union's political and power-related ambitions internationally?

1.3. The Dissertation's Research Problem in a Wider Theoretical Context

Academic research dedicated to the European Union's political behaviour and role in international relations has witnessed an exponential growth over the past three decades. Nowadays, a sizeable empirical-descriptive literature covering most geographical and thematic aspects of the EU's external relations exists, alongside the important approaches and concepts that have been developed to explain the Union's international activities from a more theory-informed perspective.¹⁶ Yet, notwithstanding thematic richness of the burgeoning EFPA, important policy dimensions have been excluded from the discussion of the EU and its ontology as international political actor, with the mainstream analysis still in many respects remaining at a 'pre-theoretical stage', as C. Hill put it (as cited in Keukeleire and MacNaughtan 2008: 19, 25). In particular, the research dealing with the important political and foreign policy aspects of the Union's external JHA/AFSJ activities remains very scant. This dearth of research obstructs more holistic understanding of the EU as international political actor.

More specifically, the existing EFPA literature derives its ontological assumptions about the EU as a political actor in IR mainly from the study of the Union's 'conventional' foreign policy, the Common Foreign and Security Policy. In explaining the EU's international political activities and 'power',¹⁷ analysts primarily refer to the CFSP, which, pursuant to the EU treaties, provides the principal platform for advancing the EU-wide political objectives and initiatives internationally.¹⁸ Historically, it was first and foremost the CFSP [prior to the entry into force of the Maastricht Treaty – European Political Cooperation (EPC)] that the member states, acting jointly through the Council, used as an intergovernmental channel to coordinate their collective endeavours, advance interests, and influence the behavior of other actors in the international system. The earlier historiography was especially preoccupied with analysing the diplomatic functions that the EPC/CFSP fulfilled to promote the EC/EU as a global power (for example, Ginsberg 1989; Petersen, and Sjursen 1998; White 1999; White 2001; Tonra 2001; Smith, M.

¹⁶ Theoretically, the Union's foreign policy has been mainly analysed from the vantage point of second-level theories, such as the institutional perspective, which underlines the constitutive and transformationalist impact of the EU's institutions on the process of interest formation within the decision-making and 'governance regime' of the EU CFSP (Smith, M. 2004), as well as the bureaucratic politics model, which examines how bureaucracies make decisions based on their own specific organizational interests and how this impacts the Union's external relations (Hyde-Price 2004: 105). Attempts have been likewise made to analyse European foreign policy also from the perspective of 'grand' IR theories such as realism, liberalism, and social constructivism (Jørgensen, Aarstad, Drieskens, Laatikainen, and Tonra 2015). Yet, since the EU is a *sui generis* international actor that fits uneasily within the conventional IR theories, the EFPA still remains a theoretically autonomous research tradition.

¹⁷ Most often, in the EU historiography, the Union's political influence and the way it pursues and promotes its political objectives internationally is conceptualized in terms of 'power' (for example, Hill, Smith, and Vanhoonacker 2017b).

¹⁸ As K. Smith (2003: 2) puts it, it is the 'CFSP [... *that*] most obviously concerns [*the EU's*] foreign policy'.

2004; Laursen 2009). Insofar as the EPC/CFSP's tasks involved first and foremost mediation efforts, negotiations and persuasion in dealing with the third countries, rather than the use of force and punishments, the Community/Union's international political activities were mainly associated with the 'soft power' or 'civilian power' model (Smith, K. 2003: 22). At the same time, as the EPC/CFSP involved some elements of direct pressure on third actors such as the imposition of sanctions, it was associated also with the 'compulsory power' functions.¹⁹ In addition, since one of traditional objectives of the Community/Union's foreign policy is to improve social and economic conditions in less developed countries and to solve regional conflicts, the EPC/CFSP was identified by scholars as containing a 'transformative power' or 'transformative potential' of the EU (Smith, K. 2003: 11).

As early as in the late 1990s, the EU also started to gradually develop its own alternatives to NATO in the form of European Security and Defence Policy [(ESDP); post-Lisbon – the Common Security and Defence Policy (CSDP)], the European Foreign Policy (EFP) scholarship expanded to include into the conceptualization of the EU's international political role also the military dimension of the Union's power ('hard power'). Although the ESDP/CSDP is not concerned with the direct application of military force as such, but rather involves (quasi-military) crisis-management, peace-keeping, and post-conflict stabilization functions, it nevertheless approximates the so-called 'possession goals', or the goals that are traditionally identified with the classical foreign policy of a state.²⁰ The fact that the EU gradually accommodated some military functions as part of its foreign policy competence is an indicator of a profound transformation of its international political role. Furthermore, several studies emerged showing that the ESDP/CSDP civilian crisis-management missions (especially border and rule of law missions) possess a dual dimension pertaining not only to the provision of 'hard' (military) security, but also to the encouragement of far-reaching transformative objectives of the Union such as good governance-building and development ('structural', or 'transformative' power). Through their military activities and support, these 'functional-technical' CSDP missions contributed to the EU's core foreign policy objectives of security sector reform (SSR), and post-conflict reconstruction efforts in unstable regions. They thereby serve as an example of a growing nexus between classical

¹⁹ This EU's function is neatly accommodated within the realist tradition. Although as a meta-theory of IR realism is prevalently concerned with states as the main actors in international arena, it can also be applied to explain and analyze many developments within the EPC/CFSP. Thus, one of the major global power-political functions that the EC/EU has historically performed through its institutional EPC/CFSP mechanism (which fits within the tradition of realism) consisted of 'soft balancing' against the USA (see Reichwein 2015).

²⁰ The 'possession goals' are traditional objectives of the foreign policy of a state in the sense that they are 'oriented towards states, military security, crises and conflicts' with a view to 'influencing the behavior of actors in the international system' (see Keukeleire and MacNaughtan 2008).

military security aims and the far-reaching 'milieu' ambitions of the EU (Spence and Fluri 2008; Kontrakos 2013; Ginsberg 1989).

In short, according to the dominant EFP scholarship, the principal political function of the EU resides in the CFSP and its policy sub-branch – the CSDP. The CFSP is the most 'politicized' area in a sense that it is most directly concerned with the implementation of the Union's political interests and is used as a vehicle to promote its various power-related objectives globally. Because of this, in the existing EFPA literature, the CFSP is referred to as a primary case to explain and theorize the EU as an international political actor.

Furthermore, in the 1990s, with the conceptual narrowness of the classical 'CFSP literature' becoming more obvious, scholars suggested ways of 'reconceptualizing' approaches to the EU's international political behavior to incorporate into the EFPA also the previously-neglected facets of the Union's foreign policy. They recognized that it was no longer adequate to reduce the 'political factor' in the Union's external relations to the application of its diplomatic and 'military' force alone. In another strand of the EFP scholarship, the EC/EU's global political and power-seeking role has become increasingly associated with the way the Community/Union has historically used its lower-level sectoral cooperation to advance its political purposes internationally. The significance of 'communitarized' sectoral policies (the so-called 'EC pillar', or pre-Lisbon 'first pillar'), where the EC/EU traditionally possess 'autonomous agent capacity' due to the supranational decision-making regime and the dominant role of the Commission, was finally acknowledged from a foreign policy perspective. Among sectoral policy areas, common commercial and trade policies received foremost attention in the academic literature: the development of the external side of these policies was identified with the Union's growing political presence in international affairs. As Bretherton and Vogler pointed out, the basis of the Union's power is primarily economic: more than CFSP, through which the EU expresses its interests politically, economy represents an issue area determining the nature of the EU in the global system (Bretherton and Vogler 2006: 36).

Trade policy, in particular, has received scholarly attention as a vehicle through which the EC/EU pursues its political interests and wields its power in the world. In the historiography, external trade policy has become associated with the 'civilian power' role of the EC/EU: scholars have noted many cases when the latter resorted to international trade to promote its human rights

and democracy objectives.²¹ On numerous occasions, the EC/EU resorted to trade sanctions to wield also ‘harder’ forms of power (‘compulsory power’) and political influence on states that posed a threat both to itself and to the wider international community, to punish violations of international norms and the development of weapons of mass destruction (WMD).²² Another major EC/EU sectoral policy area that was seen by scholars to possess important political and foreign policy potential was development. The EU’s international development and aid activities were characterized as encompassing a range of power-related objectives, including promotion of economic security (‘market power’) and the promotion of human rights (‘civilian’/‘normative’/‘ethical’ power’). Furthermore, development and aid practices were acknowledged as having a connection to far-reaching EC/EU’s political goals such as influencing the underlying properties of third actors, and producing a lasting stabilizing and transformative impact on them (‘structural power’, or ‘structural foreign policy’²³). Important studies emerged on how the EU politically used its development and aid policies to hegemonically export its own space of governance and regulation beyond its territory in order to provide for structural stability in third countries (e.g., through poverty reduction) and to assist in integration of developing countries into the Western welfare system.²⁴

While the CFSP is acknowledged in the historical EFP scholarship as ‘essentially political policy area’ (Bretherton and Vogler 2006: 169), and sectoral economic, trade and development/aid macro-policies have also been recognized as vital for the furtherance of the EC/EU’s global political and power-related objectives, the political aspects of the ED-JHA/AFSJ cooperation have, by contrast, remained under-investigated in the literature. While the internal dimension of the Union’s JHA/AFSJ, including the political facet thereof, is nowadays relatively well researched,²⁵ many grey areas still remain in the theoretical knowledge as regards the JHA/AFSJ’s external dimension. As noted earlier, the EU historiography has advanced three main interpretations regarding the causes of the JHA/AFSJ development, including its external aspects.

²¹ Since the 1990s, the EC’s international agreements have included the so-called ‘essential’ ‘human-rights clause’ with respect to all third partners. This clause permits the Community to reduce aid or suspend/renounce an agreement in case of their violation of democratic norms (Keukeleire and Delreux 2014: 209-212; Smith, K. 2003: 57).

²² For example, with regard to Iran, North Korea, Syria, and Russia.

On the EU’s use of external economic and trade policies as a foreign policy tool see, for example, Young and Peterson 2015: 838-839; Bretherton and Vogler 2006; Cameron 2012.

²³ ‘Structural foreign policy’ is a form of foreign policy which, ‘conducted over the long-term, seeks to influence or shape sustainable political, legal, socio-economic, security, and mental structures. These structures characterize not only states and inter-state relations, but also societies, the position of individuals, relations between states and societies, and the international system as a whole’. While the conventional foreign policy pursues ‘possession goals’, the object of structural foreign policy, by contrast, are ‘collective far-sighted interests, milieu goals and global public goods’ (Keukeleire and MacNaughtan 2008: 25).

²⁴ For a detailed study of the EU’s practice of use of aid policy as a foreign political instrument, see Holden 2009.

²⁵ For the most recent detailed summary of theories explaining internal security cooperation in the EU, see: Bossong and Rhinard 2016; Servent and Trauner 2018.

Among them, the instrumental requirements of security provision have been put forward by scholars as a *primary* factor of development of both internal and external sides of the JHA/AFSJ. Unlike especially the EPC/CFSP, which was devised from the very beginning to advance the Community/Union's political objectives at the international stage, the JHA/AFSJ policy subfield, scholars claim, was built from the outset²⁶ as a 'functionally-oriented' policy domain with a principal intention to ensure enhanced security and protection for the whole of the EC/EU. Similarly, the subsequent JHA/AFSJ's 'externalization' is explained in the literature predominantly from the functional perspective. The principal logic underpinning the JHA/AFSJ's outward expansion, according to the prevailing analysis, is security: in the context of post-Cold War 'converging internal and external security agendas' (Lutterbeck 2005: 231), the ED-JHA/AFSJ has grown organically from the dominant 'instrumental rationale' of the JHA/AFSJ – i.e., to provide enhanced protection to European citizens against such externalities as international organized crime, illegal migration, and terrorism.

The view that the EU's ED-JHA/AFSJ represents *par excellence* a 'functionally-driven' policy area and that outer security threats (both actual and perceived) act as a *principal* causal driver behind the JHA/AFSJ's outward – both thematic/issue-area and geographical – expansion, is found in the two major strands of literature dealing specifically with the external dimension of European internal security policies. The first strand is represented by a more general literature on the Union's enlargement, while the second strand is a thematically-oriented literature dedicated entirely to the external dimension of EU's justice and home affairs. Both groups of literature uphold a more or less similar view on the position and role of JHA/AFSJ cooperation in the Union's political system, as well as on the 'rationales' behind its internationalization.

As concerns the EU's enlargement literature, this type of academic research has recognized the wider political and foreign policy relevance of the JHA/AFSJ 'externalization' during the Eastern enlargement process, where application of the JHA agenda was intended to contribute to the CEE states' accession to the Union.²⁷ Yet, regarding the underlying cause of 'JHA externalization' in the enlargement context, the respective literature upholds the view that external

²⁶ 1975 can be considered the date of birth of internal security cooperation in the EU, since that was when the TREVI Group, the first common platform for counteracting terrorism and organized crime in the EC, was established.

²⁷ Issues pertaining to JHA were for the first time introduced as part of pre-accession criteria during the 1993/97-2004 Eastern expansion round. The enlargement literature has addressed the way the EU exports its policies developed to tackle organized crime towards the applicant CEE countries in the pre-accession context. This literature, in particular, considers various pragmatic efforts that were undertaken by the prospective candidate countries to achieve convergence with the EU-set standards and requirements in the field of crime combat, and also challenges and problems resulting from application of JHA agenda in the pre-accession process. See, for instance, Mitsilegas, Monar, and Rees 2003; Grabbe 2006.

security challenges act as a *primary* driving factor in this process. According to this literature, organized crime was the principal cause of the ‘JHA export’ and ‘expansion’ during the Union's enlargement. The ‘functional necessity’ of curbing transnational organized crime in the applicant countries and thus preventing the spill-over of insecurity to the EU was at the core of such EU pre-accession practices as transfer of the Union's *acquis* on internal security, and practical cooperation between the specialized EU agencies (Europol, CEPOL) with the relevant competent authorities on the CEECs’ side.

To illustrate, as V. Mitsilegas *et al* maintain, the key logic of transferring JHA standards to the EU's neighbourhood in the pre-accession context was both the Union's and member states’ strong interest in including the acceding CEE countries in their efforts to safeguard internal security and stability on the wider European continent (Mitsilegas, Monar, and Rees 2003). Similarly, as S. Wolff points out, the logic supporting the JHA/AFSJ’s externalization in the enlargement context was the prevention of instability risk related to organized crime (Wolff, Wichmann, and Mounier 2010b: 11; also Mounier 2010: 46). However, while having argued that the development of the JHA/AFSJ’s external orientation during enlargement was driven by the security-related objectives, scholars have not provided any detalization supporting this argument. In particular, no research emerged on the actual threat of the CEECs-linked organized crime to Western Europe. Even though some scholars tentatively assumed that security was only a marginal factor in the pre-accession EU's politics (for instance, as S. Lavenex (2005: 121) noted, ‘the perception of new security threats at the EU's Eastern borders acted more as an additional source of justification than as a causal determinant of JHA cooperation’), this assumption has never been tested or proved on the basis of serious empirical research.

A quite similar perspective on the nature of ED-JHA/AFSJ, including the causal determinants of its expansion, is found in the literature dealing specifically with the external dimension of the EU’s justice and home affairs cooperation. This literature emerged in the second half of the 2000s as a sub-field of a broader EFP scholarship to explain specifically the emergence of the European ‘JHA policy universe’,²⁸ which is composed of individual JHA sub-policies²⁹ – and the parallel development of the new international Union's role and action in the domain traditionally dealing with matters of internal security. Similarly to the EU’s enlargement literature, the ED-JHA/AFSJ literature explains ‘externalization’, or ‘extra-projection’ (Wolff 2009) of the

²⁸ Other common definitions for the ‘EU JHA external dimension’ are: the ‘EU external governance in justice and home affairs’ and the ‘EU external governance in internal security matters’. See, for example: Lavenex and Schimmelfennig 2010.

²⁹ For example, policies of border protection, migration and asylum, and counter-terrorism cooperation.

Union's internal security policies as an 'instrumental' response to the requirements of internal security provision. According to this literature, the major cause of the JHA/AFSJ internationalization process, which was especially active since the late 1990s, has been constantly growing insecurity in the EU's neighbourhood and hence the vital need for the Union to stop the importation of 'soft security' threats, especially organized crime, to its territory. Thus, in words of S. Lavenex (2005: 130-131), the core logic supporting 'a wider geographical perspective on JHA are security problems from outside of the EU'. Similarly, as J. Monar (2014: 148) argues, the external challenges to internal AFSJ objectives have been primary 'driving' factors' providing a powerful rationale for the external action in the JHA/AFSJ domain. In turn, according to S. Lavenex and N. Wichmann (2010: 82), a major motivation for the external projection of internal EU's policies is 'the transnational character of associated [*criminal*] threats'. In other words, scholars highlight the security-driven nature of emergence and development of the external 'governance' or 'regime' of the EU's internal security in various geographical contexts, including European enlargement and countries covered by the European Neighbourhood Policy (ENP).³⁰

While in the case of Mediterranean region, the rise of irregular migration and transnational terrorism were highlighted by scholars as important security-related factors supporting the increased export of JHA policies since the early 2000s (Lutterbeck 2006; Wolff 2010: 150, 159), in the Western Balkans' case, organized crime was put forward as the *foremost* factor explaining the extension of the EU's criminal justice cooperation into this region. Given the region's problematic position on the cross-roads of major criminal (especially narcotic and human traffic) flows, and its dire socio-political and economic situation after the protracted warfare at the post-Yugoslav space, security/crime has been advanced in the literature as a major cause explaining Euro-Balkan cooperation in the internal security field that has been going on actively since the 2000s. Thus, J. Monar (2008: 12) maintains that a crucial incentive for the 'externalization' of the EU justice and home affairs' goals since the end of the 1990s has been the need to curb the tide of organized and serious crime stemming from the Union's South-Eastern neighbourhood (also Wolff, Wichmann, and Mounier 2009; Trauner 2011). In short, similar to the wider scholarship on the EU's enlargement, the specialized ED-JHA/AFSJ literature claims that deteriorating security environment has been a *chief incentive* behind the internationalization of the JHA/AFSJ. In the hierarchy of precipitating causes and conditioning factors of the JHA/AFSJ outward expansion, the growth of organized crime is considered by scholars as a *principal factor* explaining the

³⁰ In addition, the wider EFP literature, whenever touching upon the question of the JHA internationalization, also explains this process from the mainstream 'security perspective'. See, for example, Smith, K. 2003: 172; Keukeleire and Delreux 2014: 235-236.

growing trend towards collaboration by the Union in the area of internal security in its geographical proximity – last but not least – in its South-Eastern borderlands.

While organized crime is widely recognized as providing the primary rationale for the development of the Union's ED-JHA/AFSJ, institutional capacities, in their turn, have been highlighted in the ED-JHA/AFSJ literature as an important internal 'enabling' factor (and also 'background' condition) behind the 'outward expansion' of the EU's 'governance' of internal security. Thus, according to S. Wolff (2010: 159), internal institutional dynamics, or internal growth of the AFSJ, provided the 'input dimension' for the EU's counter-terrorism policy in the Mediterranean. Similarly, Wolff, Wichmann, and Mounier (2010) argue that 'institutions matter' in the JHA/AFSJ and propose 'historical institutionalism' with its emphasis on 'critical junctures', 'path-dependencies' and 'lock-in effects' as a proper theoretical framework to study the externalization of the EU's internal security. K. Smith (2003: 195), in her turn, suggests that the EU's pursuit of external JHA objectives is a result of the corresponding internal dynamics. According to Monar (2014: 149), the Union's external JHA/AFSJ action crucially depends on its internal progress: the extension of EU internal action possibilities through the Maastricht, Amsterdam and Lisbon Treaty reforms, the growth of the internal legal *acquis*, and the establishment and strengthening of the special agencies such as Europol have all contributed to the rationale and possibilities for the EU's external JHA.

The third perspective on the nature of the JHA/AFSJ 'external expansion', as advanced by the academic ED-JHA/AFSJ scholarship, highlights its politically-inspired character. Thus, T. Balzacq proposed to conceptualize the ED-JHA in terms of 'external governance', or the movement of the Union's frontiers of control beyond its geographical confines to the outer world. For him, the ED-JHA expansion is associated with 'the ability of an actor [*i.e., the EU*] to influence the rules that govern social entities beyond its borders' (as cited in Wolff 2009: 156). In this approach, the nature of the EU's foreign policy and the Union's political priorities towards the third partners are considered important factors explaining the externalization of JHA policy, including police interaction. The literature in the field especially emphasizes the attempts to hegemonic rule by the EU through its ED-JHA/AFSJ policies, and the institutional characteristics of the Union's foreign policy and organizational context within which these cooperative international JHA activities develop (Longo 2010; Lavenex and Wichmann 2010). According to S. Wolff (2009: 156-158), the ED-JHA/AFSJ pursues not only internal functionally-oriented policy objectives of countering crime, but also traditional foreign policy objectives such as 'shaping the milieu': through 'externalizing' its internal security instruments, the EU stabilizes its

neighbourhood. Lavenex and Wichmann (2010: 82) even claim that the ED-JHA is not only an 'instrumental part' of the EU's external relations, but a 'new kind of foreign policy' (also: Wolff, Wichmann, and Mounier 2009: 13).

Illustrative of the 'political approach' towards the EU's ED-JHA/AFSJ is F. Longo's article, according to which both the scope and depth of JHA-related issues subject to external cooperation of the Union vary depending on variations in the types of relations between the Union and its external partners and forms of institutional affiliation linking these partners and the EU. Specifically, as she noted in her article, both the strategic agenda and practical content of the EU's JHA international collaboration, as well as the Union's ability to exert influence through its external 'JHA dialogue', depend on the constellation of political interests between the Union and the third country/group of countries. For example, while relations with the Union's geographically and politically important neighbours (e.g., Balkan or some Mediterranean countries) are characterized by the 'intensive' export of European anti-crime policies, in relations with the so-called 'strategic partners' (e.g., Russia, China, or the United States), the Union's anti-crime policy agenda is characterized by low 'intensity' and 'extension' (Longo 2003). In turn, according to L. Puppo, the case of Georgia demonstrates similar dependence of the ED-JHA on the foreign political context of relations between the European Union and the third country. Even though considering Georgia to be a convenient cooperative partner in the JHA field, the EU has been reluctant to promote its JHA agenda in this country due to its extreme reluctance to confront Russia in its neighbourhood (2010: 114). This demonstrates that the development of ED-JHA not only depends on the 'functional' security considerations, but is also subject to the wider political context of relations between the EU and external actors, reflecting the Union's aspirations and priorities *vis-a-vis* the particular third states.

The problem with the afore-mentioned strands of research – both on the EU's enlargement and the specialized ED-JHA/AFSJ literature – is that despite having identified correctly the main factors behind the Union's JHA/AFSJ externalization, the existing scholarship has never probed into their *actual causal role* in this process. The downside of the afore-mentioned literature is that it is too general and fails to define correctly the real causal weight of the ED-JHA/AFSJ development factors in the EU's external context. Thus, having taken for granted that the risk of organized crime is a major trigger of both the emergence and expansion of the ED-JHA/AFSJ, scholars have never undertaken serious factual analysis quantifying the actual threat of organized crime and evaluating its genuine role in the external JHA/AFSJ collaboration. Similarly, while claiming that institutional capacities serve as an important 'background condition' for the

JHA/AFSJ's outward expansion, scholars have never conducted serious analysis showing in which manner (and whether at all) institutional resources influence the *actual cooperative dynamics* in this sphere. Finally, while acknowledging that the ED-JHA emergence and development is embedded in the wider EU's foreign policy context, scholars have never attempted to explore in details how political concerns influence the JHA/AFSJ's externalization and politics has never figured prominently on the research agenda of the ED-JHA/AFSJ scholarship. Despite recognizing the broader political significance of the JHA/AFSJ's outward extension, scholars still consider this process to be predominantly driven by the basic functional necessity to 'decentralize to [the EU's] 'near abroad' the management of threats' (Wolff 2009: 155, 161). Overall, the ED-JHA/AFSJ analysts consider that the core logic underpinning the JHA/AFSJ's expansion is functional-instrumental *par excellence*. Both the enlargement literature and the specialized ED-JHA scholarship share the viewpoint that through extending its modes of internal security and JHA cooperation abroad and making them part of various EU foreign policy frameworks such as enlargement or ENP, the Union in most cases aspires to achieve the pragmatic commitment of its partners in ensuring its own internal security ambitions. In short, politics, according to them, remains subservient to the *functional security requirements* in this process.

To summarize, the existing literature offers only a very general picture of the EU's JHA/AFSJ externalization, at the detriment of a more insightful analysis of the driving logics and causal factors behind this process. Despite growing literature in the area, scholars have never probed into details how factors that they identified to have causal bearing on the ED-JHA/AFSJ evolution, have come to shape the actual causal paths and dynamics of this process. Most importantly, as the present research intends to show, they erroneously see the security-related factor of organized crime to be the major driver of the ED-JHA/AFSJ. Furthermore, scholars underestimated the causal significance of politics in the process of the ED-JHA/AFSJ formation: thus, functional EU's policies of internal security provision and the relevant actors in the field are still not sufficiently incorporated in the analysis of the Union's external political behavior. The problem with the dearth of analysis of this research *problematique* is that scholarly understanding of the nature of the ED-JHA/AFSJ, and, broadly, of the Union's ontology as international political actor, remains obstructed. As shown above, the EU's nature as international political actor is still mainly theorized through the traditional CFSP and sectoral economic policies. The present research provides an alternative reading of the ED-JHA/AFSJ evolution by constructing the hierarchy of causal forces that prioritizes *politics as a principal driving factor* in this process. The novel analysis of the ED-JHA/AFSJ from the multifactorial and especially from the heretofore underestimated political perspective has important theoretical implications as it contributes to

constructing a more synthesized knowledge and inclusive ontological framework of the EU as international political actor.³¹

1.4. Defining Central Concepts: ‘Institutionalization’, ‘Organized Crime’, and ‘Politics’

This study employs such core terms as ‘institutionalization’/‘institutional development’, ‘organized crime’, and ‘politics’. As the terms are meaning-loaded and subject to multiple, sometimes conflicting, interpretations, in order to contextualize the study and to provide operational framework for the analysis, these terms need first to be properly defined. The first two terms – ‘institutionalization’ and ‘organized crime’ – refer both to the above-mentioned ED-JHA/AFSJ’s ‘enabling’ and ‘development’ factors, whose causal value will be tested empirically in the dissertation – and also to the more basic heuristic tools structuring the analysis. In particular, in case of the former term, in order to provide a meaningful analysis of institutional evolution of the EU’s police system throughout the chosen time-span (and to subsequently grasp the relationship between the level of development of institutional resources and the EU’s ability to cooperate on police matters externally), I need to specify the constitutive components of ‘institutional change’, the formative stages of institutionalization process, and clarify the relationship between institutionalization and cooperation. Following that, since a major focus in this dissertation is on the factor of politics, which, together with its associated concepts, is one of most ambiguous in political science, the respective term will receive most detailed conceptual clarification. Given the absence of hard-and-fast academic concept of politics, I will initially present a concise overview of different viewpoints on the phenomenon of politics in order to arrive at a certain ‘common denominator’ definition. Generalizing from the ‘canonical’ Western theorists, or representatives of the so-called ‘politics-centered’ political theory of the late XIXth – XXth century (M. Weber, C. Schmitt, H. Arendt, H. Morgenthau) and from the seminal political analysts of the more contemporary period (S. Wolin, C. Mouffe, and others),³² I will provide an

³¹ Importantly, in this dissertation, I do not completely negate the explanatory value of security/organized crime in explaining the development of external side of the European law enforcement. In critical realist parlance, organized crime is a *real* cause of international police cooperation and international JHA/AFSJ efforts are *ontologically* linked to the Union’s pragmatic aspirations to fight trans-frontier crime. The crucial point here is that while all three factors are relevant to Union’s JHA external expansion, it is the one – politics – that is ultimately shown to have the *primary* causal relevance in explaining both the dynamics and nature of the cooperative law enforcement process.

³² There are of course many more theorists of politics and ‘the political’, more broadly, that I derive from in this study, including, *inter alia*, M. Walzer, B. Barber, B. Honig, J. Schwartz, M. Reinhardt, J. Gray, G. Newey, P. Manent, R. North, R. Bellamy, J. Horton, M. Philp, C. Larmore, L. Finlayson, F. Neumann, and others. Major social philosophers of the XXth century such as M. Heidegger, T. Adorno, J. Lacan, J. Derrida, J.-F. Lyotard, G. Deleuze, M. Foucault, J. Rawls, J. L. Nancy, and P. Lacoue-Labarthe also considered politics in their writings. However, it is only the theorists

integrative definition of this term that will be employed as a heuristic tool to guide and structure the ensuing analysis.

Institutionalization

Institutionalization, or ‘institutional development’, relates, broadly, to the creation of ‘institutions’ as a ‘complex of rules and procedures that governs a given set of human interactions’ (Sweet, Sandholtz, and Fligstein 2001: 6),³³ or a ‘set of norms that shape behavior in a social space’ and ‘define and condition the choice of individuals’ (Smith, M. 2004: 26). Accordingly, institutionalization is the ‘process by which those norms, or shared standards of behavior, are created and developed’ (ibid). Also, institutionalization can be broadly conceived of as a *change in norms* over time. Institutional development occurs due to multiple factors. The existing literature distinguishes two major types of change-inducing mechanisms leading to the institutional growth, including exogenous stimuli such as shocks and crises, and endogenous triggers such as policy failures, crises, internal contradictions, and other factors that are able to propel forward institutional growth (ibid: 34-35).³⁴ While institutionalization is a cumulative process, visible institutional changes normally occur in history through ‘decisive moments’ or ‘critical junctures’ (Peters 2012: 79), where institutional reform is explicit part of the agenda (for instance, in the history of European integration, these were intergovernmental conferences).

Although it is hard to measure institutionalization empirically, and degrees of institutionalization can be assessed in overlapping ways (Sweet, Sandholtz, and Fligstein 2001: 22), several more or less rigid indicators can be employed to gauge the degree of institutional evolution of a ‘policy space’. Generally, according to M. Smith (2004: 27), institutionalization, or ‘institutional change’, can be measured in terms of ‘increasing [*institutional*] complexity’, which, *inter alia*, includes increase in the number of norms, increase in clarity of norms, the change from informal customs into formal laws (formalization), as well as increased bindingness of norms. In

to whom I refer in this dissertation, were explicitly preoccupied with the phenomena of ‘politics’. In contrast to others, they attempted to ‘articulate and defend those qualities that are specifically political, rather than philosophical, economic or social’ (Wiley 2016: 3-5).

³³ In a narrow sense, ‘institutions’ are understood as both formalized ‘rule systems’ providing for common action patterns and ‘rules of the game’ among relevant actors (e.g., law and legal regulations) and as concrete ‘organizations’ possessing ‘tangible embodiments’. This view of institutions is in line with the ‘old institutionalism’ approach in institutional theory. In a wider sense, according to the critical school of ‘new institutionalism’, institutions are understood to include also informal customs, beliefs, paradigms, codes, cultures, and knowledge (Peters 2012: 29-30).

³⁴ A. Sweet *et al* include into the list of change-inducing mechanisms also ideational and discursive factors and the way actors interpret and understand external events such as crises; ‘rule innovation’ when actors seek to replace the older ineffective rules with more effective ones; developments among organizations culminating in the creation of the so-called ‘organizational field’; and ‘policy entrepreneurship’ on the part of specific actors (Sweet, Sandholtz, and Fligstein, 2001: 9-11, 19; also Trauner and Servent 2015).

short, according to A. Sweet *et al*, institutionalization means ‘more rules, more procedures, and more formality’ (Sweet, Sandholtz, and Fligstein 2001: 21). In the specific case of the EU, including the JHA/AFSJ cooperation sphere, the following taxonomy will be employed to measure the extent of institutionalization. Thus, institutional change of JHA involves, firstly, formal change in both the substantial policy dimension (e.g., introduction of a new competence for the Union in a certain policy area) and in the procedural dimension of respective policies (e.g., introduction of co-decision for the EU's supranational bodies). Secondly, the taxonomy involves informal substantial institutionalization (e.g., ‘altered problem definition’) and informal procedural institutionalization (e.g., ‘introduction of new inter-institutional norms and practices’) (Trauner and Servent 2015: 20).

M. Smith offered also specific criteria that capture the degree of institutional change over time. Although Smith’s typology of institutionalization was originally developed for the longer historical study of institutional evolution of the EC/EU’s EFP/CFSP, the criteria of institutionalization that he proposed are useful and will be applied in the present research to assess institutionalization also in the domain of ED-JHA/AFSJ, including police cooperation. Historically, according to Smith, the process of institutionalization can be subdivided into five stages. The initial stage of institutional evolution, according to him, includes the establishment of the policy domain as an intergovernmental forum on the basis of either informal decision, a Treaty, or through the creation of a specific organization. The second stage involves the creation of institutionalized information-sharing mechanisms intended to promote trust and confidence among the participating actors. The third stage involves the creation of norms or shared standards of behavior based on common interests; while the fourth one is the creation of a ‘permanent organization to administer some policy domain’.³⁵ The latter stage of institutional development, according to Smith, is ‘governance’, which implies ‘the authority to make, implement and enforce rules in a specified domain’. The last state of institutionalization indicates that actors ‘consider the process of cooperation as a unified whole’ (Smith, M. 2004: 40-47). As W. R. Scott (2014: 16) maintains, ‘A system of action is said to be *institutionalized* to the extent that actors in an on-going relation oriented their action to a common set of normative standards and value patterns’.

³⁵ M. Smith (2004: 46) defines organizations/agencies as stable groups of officials bound by a common purpose, which often extend to concrete entities with headquarter, staffs, budgets, internal procedures, and other resources that can shape policies or norms. Organizations, according to R. O. Keohane *et al*, can be also defined as ‘players’ as they have the capacity to act, in contrast to ‘institutions’ (as ‘rules’, or ‘conventions’) that are less formal than organizations and define how the game is played (Keohane and Martin 2003: 78, 99).

Adding to the afore-mentioned stages, A. S. Sweet *et al* also distinguish the proto-stage of institutional development, which sometimes precedes formal institutionalization. This preliminary stage of institutionalization refers to the emergence of the so-called ‘cultural frames’ that provide narratives articulating ‘what the collective interest will be in particular situation’, ‘justify action’, and form the foundation of permanent lasting arrangements, or ‘organized settings’ (Sweet, Sandholtz, and Fligstein 2001: 20).³⁶

Scholars assume direct positive relationship between institutionalization/formalization of norms in a certain policy area and the degree of cooperation. It is expected that the lower the degree/stage of institutionalization is – the lower are the prospects of cooperation. On the contrary, each stage of institutional development improves cooperative chances in the given policy domain (Smith, M. 2004: 17; Sweet, Sandholtz, and Fligstein 2001: 17-18). The opportunities for international cooperation increase with each institutionalization phase because the institutionalization process is in most cases accompanied by the creation of new and/or improvement of the already existing institutional capacities that facilitate cooperative endeavours of actors. As M. Smith (2004: 37) argues, ‘if institutions matter, we still should at least be able to observe a general intensification and expansion of [...] cooperation as [...] institutional mechanisms expand and stabilize’. Institutions enhance cooperative prospects because they reduce the uncertainties of bargaining process and allow better communication among actors, encourage binding commitments among actors, effect the actors’ choice of strategies, and provide other benefits. In other words, institutionalization generates cooperative dynamics, since through institutional change the attainment of collective goals is maximized (Servent and Kostakopoulou 2016: 158).³⁷ Even though some scholars believe that the process of institutionalization does not always correlate with the degree of formalization of policy norms and hence cooperation (a social space can be fully institutionalized and institutions can function effectively despite not having fully developed formal and binding rules (for instance, Sweet, Sandholtz, and Fligstein 2001: 12)³⁸) in this dissertation, I will proceed from a more wide-spread understanding of institutionalization as conducive to the enhanced cooperation possibilities.

³⁶ In definition of A. S. Sweet *et al*, cultural frames are ‘representations of collective problems and solutions that help other actors to link their own interests and identities to a collective purpose’ (Sweet, Sandholtz, and Fligstein 2001: 8-9).

³⁷ An important question arises as to how much time after an institutional change it would take for cooperation to take place. Although the answer to this question should be arbitrary, M. Strömvik (2005: 90) argues, and depends in part on theoretical expectations, in general it is assumed that we should see the changes within a relatively short period of time. According to W. Wessles, a two-year period should be considered a maximum time-lag.

³⁸ As M. Smith (2004: 17) argues, ‘causality runs in both directions, and institutionalization and cooperation can be treated as either dependent or independent variables depending on one’s research interest’.

Organized Crime

Much like ‘institutionalization’, ‘organized crime’ is a complex concept. Historically, a rich variety of definitions, often controversial, of organized (and serious) crime was proposed by analysts.³⁹ Additionally, the researchers have developed several classification systems and typologies to characterize this social phenomenon (Leong 2007: 26). In the absence of universal and all-encompassing definition of organized crime, the latter is sometimes defined by its constitutive elements. Thus, organized crime is classified according to the ‘type of criminal activity’/‘category of offences’ criteria (i.e., the phenomenon is understood as involving such illicit activities as trafficking in psychotropic substances, human smuggling, money laundering, firearms trafficking), and ‘organizational criteria’ (i.e., the phenomenon is understood to be performed as either by ‘highly structured’ or ‘loosely structured’ criminal organization or group⁴⁰). Such criteria as the ‘use of violence’, ‘corruption’, ‘the ability to perpetuate itself’, ‘exclusive membership’, ‘ethnically-defined nature’, and other related criteria have been additionally proposed by analysts as characteristic features of organized and serious crime.

Another fundamental attribute allowing one to problematize organized crime as a separate crime category is its ‘international’ nature. The latter emphasizes the cross-border and even global scope of organized criminal activities. This aspect allows one to distinguish organized crime as a phenomenon that thrives especially in conditions of globalization, from ordinary, small-scale unlawful activities, or ‘conventional’ crimes (such as murder, rape, or arson) that are usually found in local (national) context. Another important criteria that scholars employ to distinguish organized crime from minor law-breaking activities are this phenomenon’s severe implications for societal security. It was observed that organized crime frequently takes advantage of, and thrives in, the conditions of dire economic situations and political instability. In the worst cases, criminal groups tend to establish symbiotic relations with the state government (the so-called ‘state-sponsored’ crime). Historically, the propensity of criminal networks to penetrate state structures had severe negative ramifications for security of not only poor and conflict-ridden countries and regions of the world, but also for wealthy Western states where respective criminal groups established their presence.

³⁹ Interestingly, before the 1990s, ‘organized crime’ was commonly referred to as ‘multinational systemic crime’ (Martin and Romano 1992). It is only in the 1990s that the concept ‘organized crime’ emerged in the academic criminology and popular discourse (Scheptycki 2003: 42).

⁴⁰ While in most cases organizational criteria refers to the fact that criminal activity has to be ‘committed by an organization’, sometimes this criteria also refers to the ‘well-planned’ aspect of this illegal business (Leong 2007: 8).

Since the late 1990s, several attempts were made to provide a coherent definition of organized crime encompassing the most typical features of this phenomenon, as shown above.⁴¹ One of the first coherent definitions of organized and serious crime, which is nowadays more or less widely accepted, was provided in the United Nations Convention against Transnational Organized Crime adopted by the UN General Assembly in November 2000. According to the Convention (Article 3), ‘serious crime’ refers to an ‘offence [*which*] is transnational in nature and involves an organized criminal group’.⁴² It involves ‘conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty’. ‘Organized criminal group’, pursuant to the Convention (Article 2), means a ‘structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences [...], in order to obtain [...] a financial or other material benefit’ (United Nations 2004). This definition of organized crime has been successfully adopted by an ever increasing number of anti-crime international and European legal instruments. Additionally, in most reports and studies commissioned by both specialized EU-based institutes and various other research institutes dealing with serious and organized crime, on which I rely in the present dissertation, organized crime is understood more or less uniformly with the UN’s definition of this phenomenon to involve those high-profile crimes that are performed by a group of criminals on a transnational level and that tend to overshadow ordinary, small-scale crime.⁴³ Given the absence of a fixed scholarly definition of organized crime, this dissertation relies on the afore-mentioned official UN definition of this phenomenon, including its constituent features, as provided above.

In this context, it is important to note from the beginning that, even though there are many varieties of crime that are associated with the Western Balkan region, not all types of crime will feature in the discussion. Instead, the specific focus in this dissertation is on the three most important manifestations of serious and organized cross-border crime that are characteristic of the Western Balkans: trafficking and trade in drugs, human smuggling, and trafficking in small arms and light weapons (SALW). It is these three large-scale and systematic criminal domains that, in words of D. Anastasijevic (2006: 1), represent the ‘most vibrant and resilient’ forms of the Balkan

⁴¹ For example, at the EU level, one of the first attempts to define organized crime and to criminalize participation in criminal organizations, was made through the respective 1998 Council’s joint action (Council of the European Union 1998b).

⁴² Specifically, pursuant to the Convention, an offence is considered ‘transnational’ in nature if it is committed in more than one state; or it is committed in one state but a substantial part of its preparation, planning, direction or control takes place in another state; or it is committed in one state but involves an organized criminal group that engages in criminal activities in more than one state; or it is committed in one state but has substantial effects in another state (United Nations 2004).

⁴³ For example, see: UNODC 2010a.

organized crime and are often associated with the export of the Balkan-related instability to the EU. Consequently, offering a detailed evaluation of the Balkan crime that falls under the ‘conventional’ or ‘ordinary’ crime category (e.g., murder, rape, arson, various commodity crimes) is beyond the scope of this study, as these forms of criminalized activities have major implications for the domestic security of the Western Balkan countries and not for the broader European security landscape.

Politics

The notorious problem with politics as a concept is absence of a fixed definition of this phenomenon. Among scholars, no single, uniform understanding exists what ‘politics’ and ‘the political’, more generally, mean. In the theory and philosophy of Western political thought, conceptualizations range from the conventional state-centred understanding of politics as an activity of government and state institutions (M. Weber, C. Schmitt, P. Ricoeur⁴⁴) – to the alternative definitions identifying politics with broader power relationships and structures (M. Foucault).⁴⁵ Similarly, political analysts differ widely over the relevance of extra-political factors (such as economic, social, cultural, and religious) in the political analysis (Hay 2002: 69), as well as over the exact levels at which politics should be analysed (e.g., local, national, or global).⁴⁶ Also, while some scholars conceive of politics in terms of activity taking place within a restricted institutional forum such as government where binding decisions are made (an ‘arena’ approach), others, by contrast, see it as a process not confined to any institutional setting and potentially taking place in all social locations, including non-state and ‘stateless’ societies (the ‘process’ approach) (Leftwich 2004b: 72).

Notwithstanding rival interpretations, scholars have pointed out several distinct constitutive properties of politics that in combination can provide a ‘common denominator’ definition suitable for social analysis. Specifically, most political theorists identify politics with the following essential features.

⁴⁴ As C. Schmitt (1996: 6) noted, ‘only states are the bearers of politics’. Despite dilution of state power in the globalization era, this understanding of state as a highest form of political life is still wide-spread among contemporary theorists (for example: Burnell, Randall, and Rakner 2011: 1).

⁴⁵ Aside from M. Foucault, several other representatives of ‘sociological’ tradition of contemporary political thought reject ‘rigid’ institutional definitions of politics. For instance, feminists claim the political nature of the ‘personal’, while other political analysts consider human-nature interaction as political process (Squires 2004: 129; Leftwich 2004a: ix).

⁴⁶ The contemporary political theorists such as A. McGrew (2003: 166) advocate the conception of politics as a global phenomenon and reject the traditional national or state levels of analysis of politics.

The first overarching characteristic feature of politics is its '*existential nature*'. Theorists variously define 'existentiality' or 'existential character' of politics: while C. Schmitt and representatives of post-foundational political thought relate this quality to the inherently conflictive character of politics,⁴⁷ M. Weber and others emphasize power and the struggle for/search thereof as a quintessential element of politics.⁴⁸ For H. Arendt, in turn, the existential independence of political activity is derived from the very nature of humans who are capable of free choice, spontaneity, and self-realization. Politics constitutes the broader domain of human freedom and free action, where the latter is an *end* in itself, rather than a *means* to other ends (Wiley 2016: 227). In this approach, politics clearly has an 'existential primacy' over other social spheres as it is irreducible to the contextual factors of economics and culture. As she argues in 'The Human Condition' (1958), it is specifically in the political sphere, which she describes as the 'realm of appearance', humans are capable of acting in concert and expressing themselves through their deeds, through initiating something new, and through realizing their freedom as participation in common government, while, by contrast, in economic sphere, humans remain conditioned by 'necessity'. In her view, politics possesses an 'agent-revealing capacity', since only in the political sphere, humans act and disclose themselves as free beings, and to this reason 'purely political action' is radically different in its nature from such pre-political and context-dependent social activities as 'labour' and 'work' (Arendt 1958). It is in this sense that, according to Arendt, politics has its own ontology and independent significance.

At the same time, despite claiming existential status by virtue of having its origins in human will and free action, in real life, politics is hardly exercised as a free activity, since humans are never fully free from the contextual influences. It is obvious that politics does not exist in strict isolation from the social sphere: instead, it is densely embedded into a wider canvas of social relations and has connections to various institutional activities. The context-dependent and contingent character of politics has historically been a point of special concern for political philosophers, who variously regarded it as either a function of ethics (e.g., the ancient Greek and especially Platonic philosophy), religion (the medieval period), or law and formal institutions,

⁴⁷ The antagonistic ontology of the political based on existential 'friend and enemy antithesis' was first advanced by C. Schmitt (1996: 26-29). Post-foundational political analysts such as E. Laclau and C. Mouffet also share Schmittian ontological problematization of politics as antagonism, partiality, and conflict. Specifically, in C. Mouffet's rendering of the question, the ontological foundations of the political are found in the constitutive 'dimension of antagonism' (Mouffet 2005: 9; also: Palonen 2017: 35; Saar 2012: 81). Antagonism is about 'conflicting conceptions of reality', and 'the political' can be interpreted as a 'moment' in which these conceptions of reality are debated, fought over, and 'decided' (Wiley 2016: 237).

⁴⁸ Both in M. Weber and C. Schmitt's opinion, where power is pursued for its own sake, there the autonomy of politics emerges (Wiley 2016: 17, 224).

including bureaucracy (the modern period) (Wolin 2016).⁴⁹ Existing in ‘asymmetry’ in relation to both ‘lower’ economic, social, or psychological processes, and to the ‘higher’ spheres of metaphysics or ethics (Wiley 2016: 10-17), politics always experiences pressure both from ‘below’ and from ‘above’. In short, the paradox of politics is that in real life it never represents a ‘pure act of human freedom’ as it is always implicated in the web of conflicting interactions where humans compete for their interests and desires. As C. Hay (2002: 75) noted, ‘the political’ always finds its expression through social aspects – it is best seen as an aspect [...] of the social’, articulated through other social aspects.

At the same time, and notwithstanding the context-dependence of politics that cannot be practiced in isolation from the mundane realities of everyday life, politics as a social phenomenon possesses an ontologically supreme (in the sense of being above all other social activities) nature. Therefore, most political analysts of European modernity, even those who recognized its contingent character, shared Arendt’s idea of ‘existentiality’ of politics. Thus, H. Morgenthau maintained that politics has distinctive core, which is not reducible to other spheres like law, or economics where the pursuit of purely material gain remains a dominant motivation (in: Williams 2005: 125). In the same vein, M. Weber distinguished politics as a separate and specific space of collective human existence, which is different from most realms of social life (in: Lassman and Speirs 1994). For C. Schmit, the essential autonomy of the political sphere lied in the fact that politics has its own independent sources of power (an ‘indeterminate realm of pure will’) (Williams 2005: 118). More contemporary analysts, including B. Crick (2000: 2; also Ponton and Gill 1993: 9), also demarcated the boundaries of politics *vis-à-vis* non-political sphere of social activities and life, considering social relationships that are rigidly governed and controlled by custom, law or technical rules as having low political potential. In turn, P. Burnell *et al* understand politics as an authentic activity in the sense that it tends ‘to have independent and significant effects of its own’, and not only to be acted on (Burnell, Randall, and Rakner 2011: 5).

Another essential attributive quality of politics, according to its analysts, is the *social/public* (and hence *relational*) character of this phenomenon. As activity, politics is concerned with group affairs and performed in a broader public space: ‘the political is public’, as J. Squires (2004: 125)

⁴⁹ The dependence of politics on the external context was most eloquently demonstrated by the protagonists of Marxism. For Marxists, politics is overwhelmingly determined by economic factors (in famous Lenin’s quotation, ‘politics is the most concentrated expression of economics’), while political regime is reducible to ‘economic circumstances’. In contrast to C. Schmitt (1996: 59), who believed in the extra-historical character of politics, for Marxists, politics is a historically-contingent phenomenon associated with class antagonism, and it is generated by the social inequalities in a system of class exploitation. As soon as the class struggle between labour and the capital will come to an end after the ‘world revolution’ of the proletariat – so will politics (Callinicos 2004; also Burnell, Randall, and Rakner 2011: 5).

puts it. Departing from Aristotelian understanding of politics as ‘management of common affairs’, H. Arendt (1958: 214) defined politics in terms of relationship between people: she claimed that the plurality of actors is a major pre-condition for political action as such to take place. The ‘togetherness’ of the political (*contra* ‘unitedness of many into one’), according to her, is possible to realize only in the condition of plurality: ‘the essential human condition of plurality, the acting and speaking together, is the condition of all forms of political organization’ (ibid: 202). Politics is never conducted by a single human in isolation from other humans; instead, it is constituted by inter-human communication and action in a wider social web. It is social relations that constitute the identities and roles of actors [*of politics*] and endow their activities with meaning (Yaqing 2018: 130). The political, in other words, is a profoundly social and relational phenomenon.

The problem with understanding politics in terms of its social character implies that potentially *any* issue of life, even most private and personal one, can be mistakenly regarded a broader political issue if it takes place in the public sphere. Likewise, any actor may be wrongly conceived of as a political actor if (s)he conducts his/her actions in a broader public arena. The breadth of phenomenon of the ‘social’ makes it hard to distinguish political activity *per se* from the non-political forms of action and participation.⁵⁰ *Recognition* and *legitimacy*, which go hand in hand with the notion of *authority*, are therefore important requirements guarding against false association of politics with the apolitical social activities. The actor’s activities need to be considered legitimate and recognized by others for them to be characterized as genuinely political. As G. Ponton and P. Gill noted, ‘Political activity takes place only between certain individuals and groups that are publicly recognized as having an accepted right to behave in a certain way, and according to certain common recognized and enforceable rules. Groups and individuals without this legitimacy, or which act outside the rules as defined by the same public authorities, are deemed to be acting outside the arena of politics’ (Ponton and Gill 1993: 5).

Another fundamental feature of politics is power. In the classics of political thought, politics is commonly defined in terms of an actor(s)’ quest or struggle for power in order to realize certain interests and objectives. For example, in famous Dahl’s definition, power is ‘an actor’s *A* ability to enable actor *B* to act according to *A*’s interests/preferences’ (as cited in Baldwin 2016: 29, 36). The exact interests and objectives of an actor’s quest for power are understood differently in different theoretical schools. For example, in political idealism, power is a *means* towards higher end(s), while in classical realist tradition power is pursued for the sake of power, i.e., it is an

⁵⁰ The notorious problem with identifying terrorism as a political activity as such is exemplary in this regard.

end/goal in itself. Thus, in C. Morgenthau's and M. Weber's (and also C. Schmitt's) understanding, the actor(s) strive for power in order to realize their 'existential will' to exert over (an)other actor(s) (Berenskoetter 2007: 15). It is especially in classics of realist thought that the actor's search for power is associated with its larger, or strategic interests and objectives, such as geopolitical considerations and control over others, which are opposed to more narrow and parochial objectives of solving immediate problems of everyday life.

As regards 'types' of power, the most salient dichotomy exists between 'hard'/'compulsory' dimensions of power, which involves direct exertion of power/control on (an)other actor(s), and 'normative' or 'soft' aspect, which is connected with an actor's ability to set a normative agenda, spread values, attract others, and present itself as a role model. Obviously, the latter concept of power is closely linked to, or even synonymous with, concepts of 'authority' and 'influence' (Baldwin 2016: 28; also Berenskoetter 2007).

In addition, while some theorists consider power as a function of specific resources/property of a power wielder, for others power is first and foremost a relational concept, or a function of relationship between actors. As D. Baldwin (1980: 501) argues, power primarily derives 'from patterns of asymmetrical interdependence between actors in the issue-areas in which they are involved with one another'.⁵¹ The modern feminist K. Millett (1969) also emphasized relational dimension of power talking about politics as essentially 'power-structured relationships, arrangements whereby one group of persons is controlled by another'.

In short, however differently power is understood by political writers, most of them are unanimous about power being a quintessential element of politics. Already M. Weber in his 'Politics as a Vocation' claimed the centrality of power to the study of politics: according to him, power is present in all social processes (Lassman and Speirs 1994). Power and the actor's 'existential will' to wield power over other actors, to maximize its control over them and to realize its strategic goals through acquiring power, can thus be considered a principal criteria demarcating 'genuinely political' from the 'functional'/'technical' spheres of human activities such as, for example, international law enforcement.⁵² In words of J. Wiley (2016: 7), power is a hallmark of

⁵¹ K. Palonen (2017: 33) sides with Baldwin concerning the relational essence of power: he argues that power is 'neither property nor a given structure, but a contingent constellation between struggling or competing political agents'.

⁵² Certainly, 'functional' and 'political' (strategic) objectives can be closely related in practice. For example, the EU's functional police cooperation outside its geographical frontiers can be *political* in the sense that it serves far-reaching strategic objectives to attain security and stability in other countries, which is also in the larger political interest of the EU. Yet, unlike the sphere of politics, where attaining control and power over (a)another actor(s) is a *primary* strategic goal and decision-making over respective strategies is usually made by the high-positioned bureaucrats and politicians

specifically political sphere and it represents an 'authentic rationality' or 'causal logic' specific to politics. Always, whenever power relations are involved in the public space, the politically meaningful action takes place.

There are two aspects of the quest for power in politics involving, on one hand, negative coercive/conflictual side, and positive cooperative side, on the other. So far, scholars have not come to an agreement concerning the relative weight and significance of these two aspects of power in the political sphere. Thus, the realist tradition of political thought one-sidedly focuses on the coercive dimension of politics associated with the actors' 'egoistic' quest for power and domination over others in the international system, while ignoring more 'altruistic' cooperative and integrative aspect of politics. Thus, for H. Morgenthau (1972), politics is connected with the will of the state to maintain, increase or assert its power and dominance over other actors, with international politics, in analogy with the domestic (inter-state) sphere, consisting of a perennial 'struggle for power'. In the same vein, contemporary theorists D. Marsh and G. Stoker (2010: 1) define politics in terms of '*struggle* over power'. For other theorists, by contrast, cooperation, consensus, and mutual coordination of interests are equally characteristic of politics as a quest for power. A. Weale emphasized this integrative aspect of politics when talking about politics as a '*collective choice*' (as cited in Leftwich 2004: viii), while B. Crick (2000: 7) talked about politics as 'the activity by which differing interests within a given unit of rule are conciliated by giving them a share in power in proportion to their importance to the welfare and the survival of the whole community'. S. Wolin, in turn, pursued a middle-way approach: he defined the cooperative dimension of politics, alongside with its conflictual component, as ontological quality of phenomenon of politics. In his attempt to bring 'social' back in, Wolin defined 'the political' as

at the macro-level (i.e., level of 'high politics'), international policing remains predominantly a pragmatic and 'problem-solving' sphere of social activities. In other words, unlike politics, international law enforcement has both a functional nature and goals *par excellence*. Being traditionally a business of mid-ranking law enforcement officials and bureaucrats, transnational law enforcement is mainly concerned with mundane, technical issues of finding tactical solutions to the immediate problems of organized crime, and not with the pursuit of power and advancement of far-reaching strategic interests, as it is the case with politics. The pragmatic tasks of international crime-fighting determine the 'routinized' and 'formalized' nature of respective practices, the major bulk of which take place at both meso- (administrative) and micro-levels (i.e., level of day-to-day work of police officers pursuing criminals) through well-established institutional and administrative structures. As regards broader institutional sphere, including the one concerned with the functioning of institutional infrastructure of crime-fighting within the EU, even though the initial impetus for the establishment of institutions is usually provided at the macro-/political level, the operation of respective institutions over time becomes settled and routinized, and these institutions continue operating mainly on the basis of functional-instrumental rationality (rather than on the basis of initial political impetus). In fact, the way institutions operate on a regular basis is mostly informed by the 'politically impartial' requirements of counteracting crime, or professional law enforcement agenda, having thus little to do with the far-reaching strategic interests of the EU regarding third actors, the search for power for the sake of power, and the intrusive type of political intervention typical specifically for 'politics' (on the politics-neutral or 'pragmatic' rationality in international cooperative police ventures, see Deflem 2002). Even though conceptualizing the relationship between the political and institutional spheres is far beyond the scope of the present research, by using the case of Euro-Balkan police cooperation, this dissertation will nonetheless provide some clarifications about the interaction between the mentioned two spheres.

the ‘union of power/[*authority*] and community’, and citizenship – as the ‘collaborative use of power’ in the spirit of democracy (as cited in Wiley 2016: 2, 6, 230).

This second/positive aspect of the quest for power (i.e., via altruistic cooperation with other actors) is sometimes associated with the transformative objectives of the use of power in politics, including promulgation of public interests or cultural/ethical values that would benefit all. The understanding of the struggle for, and exercise of, power as a ‘means to attain a larger ‘collective interest or ideal’ (ibid: 234) (rather than as a means of egoistic domination over other actors) was typical of the idealist tradition associated with H. Arendt and S. Wolin. For example, for the political idealists like P. Ricœur, the purpose of the quest for power in politics is to achieve higher ideals of justice, freedom, and equality among citizens (ibid: 6, 226). Similarly, for the post-modern political theorists C. Lefort, E. Laclau, C. Mouffe, the objective of politics as a struggle for power is to achieve profound transformation of the social sphere for the sake of the whole community. As M. Duverger argues, politics is not only an instrument by which certain groups dominate others to their disadvantage, but also a ‘means of ensuring a particular social order’, or ‘a means of realizing the integration of all citizens into one community and of creating the Aristotelian just state’. The aim of bringing about the rule of order and justice to the society with a view to ‘achieving [...] integration of the individual into the collectivity for the general good’ is a crucial aspect of political life, according to him (Duverger 1978: xii-xiii). Even for political realists like Schmitt, Weber, and Morgenthau who conceived politics in terms of domination and violence, the objective (meaning) of politics as a quest for power/authority was to impose order, hierarchy and discipline on a rebellious human nature and thereby to resist evil and advance interests or ideals (Wiley 2016: 6; on moral aspects of Morgenthau’s political writings see Williams 2005). Thus, in most cases, the search for power in politics is associated with a positive appeal to social transformation in the name of collective interest or benefit.

To summarize, the theorists of politics distinguished the following most typical features of this phenomenon. Firstly, an ‘existential independence’ of politics concerned with it being supreme in relation to other (more routinized and institutionalized) spheres of human activities and free personal choice of individuals as a *sine qua non* condition for ‘practicing’ politics. Secondly, the social and relational aspect of politics. Third, the actor’s either cooperative use of, or struggle for power, in order to realize its ‘existential will’ to control other actors, to encourage in them patterns of behavior favourable to the actor’s strategic interests, and/or attain their transformation for the sake of a certain common ideal. Combining the insights of political theorists and partly drawing from Wiley’s original definition (Wiley 2016: 234), I define politics as a ‘*social activity related to*

the actor's struggle for power, or cooperative use, thereof in order to realize its 'existential' will to exert control/power over an(other) actor(s), to advance its strategic interests and objectives, and/or attain an(other) actor(s)' transformation in the name of certain collective ideal'.

According to D. Baldwin, because of obstacles involved in the creation of quantitative indicators that capture in full the richness of meaning of politics and its underlying concept – power – the analyst has to invariably rely on the qualitative interpretation in order to convey sufficient meaning for analysis. This, he argues, implies that political analysis must be contextual and take account of the observable actors' behavior in the decision-making arena and power practices actually manifested in the concrete political situation (Baldwin 2016: 33-35). The proposed afore-mentioned definition of politics allowing for the qualitative interpretation of this phenomenon through context-specific circumstances and practices will be used in the ensuing analysis.

1.5. Methodology and Research Design. Description of Research Data

Methodologically, this research is conducted as a qualitative multi-method research. In terms of overarching methodological approach (layer 1), this is a historical-empirical within-case (case-study) research, based on a qualitative description and interpretation of a single class of events and circumstances taking place within a particular historical context. The historical method is an overarching within-case analytical strategy that presupposes engaging with the past in order to reconstruct the historical background that shapes the present situation. As C. Tilly (2006: 18) said, 'every significant political phenomenon lives in history, and requires historically grounded analysis for its explanation'. In terms of actual methodology, in addition to the primary historical method, the analysis relies on two secondary within-case methods that are utilized in individual parts of dissertation for more specific research purposes. This is in line with A. L. George and A. Bennett's suggestion that researcher should use each method for the research tasks for which it is best suited and use alternative methods to compensate for the limitations of each method (George and Bennett 2005: 6). Specifically, in order to compare the relative significance of three major factors that are considered to be causally important for the EU's external police cooperation (for convenience sake, the relationship between factors and the outcome is operationalized as competing theories), I rely on the congruence method (layer 2), which is a major explanatory approach in case-study research. At a lower analytical level, I utilize narrative (layer 3) to synthesize the empirical findings of the historical case-study and to offer detailed insight into the causal processes. Finally, the dissertation draws on three smaller case-studies ('embedded case-

study’) in order to acquire more in-depth understanding of the phenomenon under scrutiny (the overall research design is presented in *table 1* below).

Layer 1: intensive historical within-case study

The overarching methodological strategy on which I rely in the present dissertation is the case-study research. Case-studies (small-N research) are a form of non-experimental qualitative research approach referring to ‘in-depth [...] studies of one or a few illustrative cases’ (Berg 2009: 317; also Blatter and Haverland 2014: 19), where ‘case’ connotes a spatially delimited phenomenon (a unit) observed at single point in time or over some period of time (Gerring 2007: 19).

Small-N case-studies have the following characteristics. Thus, in contrast to large-N studies, which focus on a large number of instances of a topic/phenomenon, small-N case-studies focus on a limited number of instances of a concrete empirical phenomenon (which is investigated following a set of pre-specified procedures) (Yin 2009: 21). The strength of the small-N case-study, which compensates for its more narrow in comparison with the large-N case-study focus, is that the small-N case-study presupposes immersion into rich details of a single empirical case in order to provide a holistic description and a deep understanding and explanation of a phenomenon (‘thick description’) (Berg 2009: 318-319).⁵³ The case may include one or several empirical observations per case. In addition, in contrast to large-N research, small-N case-studies also embrace contextual conditions that may be highly pertinent to a particular phenomenon of study. Clear boundary between phenomenon and context is lacking in the case-study inquiry: the topic of case-study is diffuse with the case and context being hard to distinguish (Yin 2009: 18). Finally, the strength of small-N case-studies, especially in comparison to large-N studies, is their capacity for addressing causal complexity (George and Bennett 2005: 9-10). They are the useful means to closely examine the hypothesized role of both wider contextual factors and deeper causal mechanisms in the context of individual cases, including in the difficult-to-observe phenomena (Johnson, Joslyn, and Reynolds 2001: 141-147). Therefore, as case-studies normally consider diverse causal factors, they may be highly informative.

Given their preoccupation with a particular case/phenomenon and its intrinsic characteristics, single within-case studies usually offer ideographic (case-specific) insights into the processes

⁵³ ‘Thickness’ is defined by Blatter and Blume as multiple and diverse observations per case (Blatter and Blume 2008: 317).

occurring within this case. Therefore, especially in contrast to large-N studies that use sample of cases or cross-case study and are associated with nomothetic analyses, the conclusions of small-N studies have limited generalizability to other studies (Lange 2013: 10-11; George and Bennett 2005: 220) (i.e., case-studies are stronger on internal than external validity). In other words, because small-N case-studies are conducted with an aim to generalize across a population of similar cases (King, Keohane, and Verba 2004: 51-53), they may lead to theory development only in a specific area.

Case-studies employ multiple sources of evidence (data triangulation) and allow researchers a wider selection of data collection methods, including interviewing and observation (method triangulation) (Gerring 2007: 17).

Methodologically, this study is conducted as an intensive case-study, with the recent history of the EU's internal security cooperation with the Western Balkans being a major case/phenomenon of the present research. Case-study was chosen as an appropriate research design for the dissertation because it allows for an in-depth historical investigation and explanation of the examined case. The chosen format permits for a profound reflection on the underlying causal dynamics and factors of the phenomenon under scrutiny, and how these factors contributed to shaping the particular outcome of a historical case (i.e., police cooperation). It also allows for taking into account the wider contextual factors of relevance. In addition, the chosen format of case-study permits for intensive reflection on the complex concepts that I employ in the analysis (such as 'politics' or 'institutionalization'), as well as the relationship between the theories (derived from the proposed causal explanations) and empirical data. As the aim of this study is to obtain an in-depth knowledge of a unique and rarely occurring phenomenon in a particular historical context (i.e., internal security cooperation that is case-specific to Euro-Balkan relations), with a highly-specific historical outcome (law enforcement cooperation as a product of the Union's political ambitions in the Balkans), the project is stronger on internal rather than external validity, and permits mainly for conditional and contingent generalizations. At the same time, the case may also yield predictions about other cases, because the EU seems to pursue analogous strategies with other third countries and regions that display similar processes to the Western Balkans' case.

The main unit of analysis in this research project is the European Union. The study analyzes the EU-level phenomenon (EU as both a regional and supra-state entity) in its relation with

Western Balkans as an aggregate (regional) social unit, with the study's broader spatial boundaries thus encompassing the EU and the Western Balkan region.

This dissertation is a longitudinal case-study, which means qualitative examination of one research entity at multiple time points (Berg 2009: 328). The study's temporal boundaries are limited to twenty years, with the main time-span under investigation being the 1991-2011 period. This particular period was chosen because it was characterized by the combination of the following trends: 1. rapid institutionalization of European law enforcement system, starting with incorporation of police cooperation for the first time as an EU-sphere of competence into the formal EU's Treaty framework (Maastricht Treaty) in 1992; 2. growing significance of the Western Balkans in the EU's foreign policy (with the year 1991 marking the start of an independent EC/EU's policy line towards countries of the former Yugoslavia); 3. emergence of the Western Balkan organized crime threat as an independent phenomenon and its subsequent proliferation in the Western European criminal markets (especially in the 1990s); 4. the expansion of European law enforcement cooperation in the Balkans (especially in the 2000s). Given the confluence of these factors within the indicated period, the chosen timeframe is therefore optimal and sufficient for checking the causal validity of factors that are supposed to bear an influence on Euro-Balkan police cooperation and thus answering the dissertation's main research questions.

Layer 2: congruence method

Another secondary within-case analytical strategy used in this dissertation is congruence method. This method is fully compatible with the case-study research, which can take several theoretical frameworks into account, and offers an intensive reflection on the relationship between context-specific empirical observations and abstract theories and concepts (Blatter and Haverland 2014: 19-20). According to J. Blatter and M. Haverland (ibid: 144), 'congruence analysis approach is a small-N research design in which the researcher uses case studies to provide empirical evidence for the explanatory relevance or relative strength of one theoretical approach/paradigm in comparison to other theoretical approaches'. This is achieved by deducing specific propositions and observable implications from abstract theories and then by comparing actual empirical observations of these implications with the expectations that are drawn from another theory/theories' (ibid: 144). The theory is argued to have a stronger relative explanatory power as compared to other theory/theories if a higher degree of congruence between deduced implications from this theory and the observed evidence within the case(s) is observed in comparison to the degree of congruence between the expectations drawn from another

theory/theories and the empirical evidence' (ibid: 145). In short, at the heart of the method is systematic testing of congruence (resemblance) of theoretical expectations with empirical data and the assessment of the validity of competing theories in relation to this empirical evidence.

The congruence analysis is flexible and adaptable. It can be used to compare the descriptive and explanatory merits of different theories (Blatter 2012: 6) in order to either strengthen the theory's position in comparison to other theories in a wider paradigmatic/theoretical discourse ('competing theories approach') or to develop a new synthesis within or across theories through their eclectic combination and thus to ensure more comprehensive explanation ('complementary theories approach') (ibid: 11). The theory employed in the congruence analysis may be well-established and highly regarded, or it may be formulated or postulated by the investigator for the first time based on a hunch, or a set of basic factors (George and Bennett 2005: 182).⁵⁴ The method is especially suitable for testing several theories simultaneously ('multivariate congruence testing'). Ideally, the aim of congruence analysis is to make a contribution to a wider scholarly discourse on the theories' relevance and importance.

The specific steps through which the congruence analysis proceeds are the following. First, the expectations (propositions/hypotheses/predictions) are deduced from theory *A* and empirical observations are interpreted and compared with the expectations deduced from this theory. The comparison can lead to the observations being either in line with the expectations, or being contradictory to the expectations, or, alternatively, being outside the theory *A*-related expectations. Second, the same empirical observations are compared with the expectations deduced from theory *B* that can lead to the same types of results. Third, the results of the two comparisons of empirical observations and theoretical expectations are combined to evaluate the relative explanatory power of the two theories for the case(s) under investigation (Blatter and Haverland 2014: 189). The most important indication of the theory *A*'s stronger explanatory power in relation to the explanatory power of theory *B* is the higher degree of consistency between the former theory's predictions and the observed values of the 'dependent variable' (George and Bennett 2005: 199), as compared to degree of consistency observed in the latter theory.

This study represents a 'multivariate congruence testing', since its main aim is to conduct a critical test of several competing factors and respective theories and to evaluate their theoretical

⁵⁴ Blatter and Haverland also argue that since it is not always possible to find theories 'out there' in the academic discourse or literature as clear-cut entities, they can be specified for each research project (Blatter and Haverland 2014: 167).

potential in explaining the outcome. Specifically, exploiting this method will help to answer the dissertation's first research question (i.e., what is the real significance of each of three factors, which are believed to be causally-significant for explaining the international law enforcement of the EU, on the actual outcome in the form of Euro-Balkan police cooperation? Which factor(s) are causally (-ir)relevant in this process?). Since in the dissertation I do not deal with the pre-set theories, but rather with a number of factors (organized crime ($X1:OC$), institutional development ($X2:INS$), and political factor ($X3:POL$)) that are supposed to be conducive to the outcome in the form of police cooperation ($Y:PC$) in the concrete spatio-temporal setting, I need to first operationalize these factors ($X1:OC$, $X2:INS$, $X3:POL$) and the resultant outcome ($Y:PC$) in terms of three specific theories. For example, the first $X1$ -related theory posits that 'organized crime is a reason/cause of police cooperation' ($X1:OC \rightarrow Y:PC$). The same is done with regard to other causal factors $X2:INS$ and $X3:POL$, which are also provisionally operationalized as theories (' $X2:INS \rightarrow Y:PC$ ' and ' $X3:POL \rightarrow Y:PC$ ', respectively).

The next step involves deducing expectations from these theories. For example, the expectation for the $X1$ -factor-related theory would be that higher levels of Western Balkan organized crime are expected to lead to more intense police cooperation with the EU, whereas downward regional crime trends are expected to lead to the downward policing dynamics with the Union. Similar expectations are deduced from other two theories, with expectation for the $X2$ -factor-related theory being that progressive institutionalization of the EU's police model is expected to lead to more intense international police cooperation with the Western Balkans; and for the $X3$ -theory being that the growth in positive political relationship between the EU and the Western Balkans would lead to more intense police cooperation with this region.

The final stage involves using empirical information to judge the explanatory merits of each theory in relative terms by comparing and contrasting expectations deduced from one theory with expectations deduced from other theories. If empirical information corroborates expectations of a theory, or theories, and a causal linkage is established between factor X and the outcome Y , we have evidence of a positive relationship between X and Y . And, on the contrary, if there is a mismatch between theoretical expectations and empirical data, we have evidence of the negative relationship between X and Y . Thereby, to assess the power of the afore-mentioned competing theories for predicting $Y:PC$, I will submit them to a systematic empirical test. Specifically, in the dissertation, I will conduct detailed causal analysis (using narrative method) of the historical dynamics of Euro-Balkan police cooperation for each of the 'factors' $X1:OC$, $X2:INS$, $X3:POL$ to see whether the expectations deduced from the afore-mentioned three theories are (non-)congruent

with the actual empirical data. To illustrate, the expectations for the *X1*-factor-related theory are that the increase in dynamics of organized crime leads to the respective increase in the dynamics of policing. In order to see whether the expectation from the *X1*-factor-related theory is causally valid on the outcome, I will conduct a detailed historical study where the causality chain is deconstructed along the time axis and the dynamics of organized crime (factor *X1*:OC) are checked for the presence/absence of causal linkage with the respective dynamics of Euro-Balkan law enforcement (outcome *Y*:PC). As empirical research will demonstrate low causal impact of organized crime on the patterns of policing, this means that the *X1*-factor-related theory is non-valid. In the same way, the performance of other two theories in question will be tested. The ultimate aim of this study is to demonstrate the presence of high congruence between expectations deduced from *X3*-factor-related theory and empirical information, and thereby to strengthen the *X3*-factor-related marginalized theory's position in comparison to other theories in a wider theoretical discourse.

Layer 3: narrative analysis

At a lowest analytical level, as a secondary within-case research strategy, I employ narrative to structure and analyze data in details. Narrative is grounded in the traditional historical research methodology and represents a wider form of organization, interpretation, and representation of historical knowledge. It is one of most commonly used methods in historiography to describe and analyze unique and historically-specific social phenomena (Lange 2013: 20). Variouslly labeled 'detailed historical case study', 'analytical narrative' (George and Bennett 2005: 208), 'qualified description', and 'explanation by means of description' (Zalejko 1990: 56), narrative refers to 'the representation of an event or series of events' in a form of a story.⁵⁵ L. Stone defines narrative as 'the organization of material in a chronologically sequential order and the focusing of the content into a single coherent story, albeit with sub-plots' (Stone 1979: 3). Central to the narrative enterprise is 'a detailed and textured account of context and process, with concern for both sequence and temporality' (Levi 2002: 112).

The following features constitute the historical narrative approach. Firstly, narrative analysis is distinguished by a strong interpretative approach to data. Narrative represents a blend of systematic empirical investigation and subjective (first-person) interpretation and explanation of occurring historical events. The logic of narration presupposes that the historian is determined by

⁵⁵ An event, according to Griffin (1993: 1096), is a 'distinguishable happening, one with some pattern or theme that sets it off from others, and one that involves changes taking place within a delimited amount of time'.

his own knowledge beyond the sources, by his personal value commitments, and attitude to those sources (Pomorski 1990: 45). In narrative, equal weight is attributed both ‘to the empirical findings and the narrator’s organization and interpretation of them’ (Grip 2017). This distinguishes narrative from such secondary within-case methods as process-tracing, which is more methodologically demanding research technique in the sense that it requires from a researcher to abide by rigorous analytical procedure based on the careful tracing of underlying causal systems (mechanisms). By contrast, the actual analytic techniques of narrative are informal and depend on the skill of the researcher (Lange 2013: 45).

Another distinct attribute of narrative is specific approach to causality which ‘is formed by and embedded in the event's temporality’ (Griffin 1993: 1116). The understanding of causality in narrative is linked to events and is one of temporal ordering and sequencing of events/actions. Actions and events in narrative do not simply follow each other, but are the *consequences* of previous actions and events. Narrative relies on the temporal order of events in order to understand the causal relationships between them. As S. Pierson said, there is a causal power in the ‘temporal connections among events’ and ‘the temporal ordering of events/processes has a significant impact on outcomes’ (Pierson 2004: 6, 54). Narrative is therefore a useful methodological tool for assessing the relationship between causes and outcome through temporal sequencing and path dependence (Levi 2002). However, the causal logic in narrative is not of plain linearity. In contrast to a more formally designated causal research procedure of process-tracing, which displays the causal path in all its details, narrative is more flexible and selective: it emphasizes some elements and causal dependencies over others (Starke 2010: 5). This is achieved through the strategy of ‘emplotment’: narrative is more narrowly confined to those specific elements of a mechanism that are causally linked. This guards against unnecessary detalization of the process typical especially for process-tracing (the ‘infinite regress’ problem (Bennett 2010)), but still allows exploring causal complexity in sufficient details.

In addition, narrative enables deeper analysis and understanding of causality through consideration of a wider structural context. Because of that, narrative is capable of generating even more considerable insights into the causal mechanisms than process-tracing. Narrative is sensitive to wider intersubjective contexts and contingencies that produce events and act as ‘long-term causes’ of observed phenomena (‘preconditions’). In addition to the specific actors and their actions, which are associated with more short-term or ‘proximate’ causes (or ‘immediate triggers’) that constitute a causal mechanism, the interdependent social relations and underlying structures that are constitutive of relations between individuals and objects are also important sources of

causal power. Narrative permits one to transcend the level of the ‘actual’ (i.e., simple empirical events), and to reach at the level of *real* causality, which refers to a deeper ontological connection between a cause and effect (‘structures’).

In short, narrative descriptions, which take the form of stories of unfolding and interacting events, allow researchers to adopt a holistic approach that considers temporal sequence, background/contextual conditions, and conjuncture in a single research design. Therefore, narrative is particularly suitable for analyzing ‘large processes’ and complex causal chains (Lange 2013: 45), as well as their dynamics and interactions, over an extended period of time. As M. Kurki (2008: 285-286) put it, narrative enables more holistic and interpretive understanding of causal processes because it permits accounting for ‘the complex interaction of various causes in specific historical context’ and makes sense of multiplicity of evidence.

The most common reservations against narrative (in addition to its ‘methodological individualism’⁵⁶) is that this research strategy misses rigorous criteria for inferring causality. How can we establish with certainty that the consistency between the independent and dependent variables/factors is one of actual causal significance and that we have not confused correlation with *real* causation? In social sciences, as M. Strömvik (2005: 50) argues, we can rarely even know for sure whether two events merely coincide or if one actually caused the other. The confidence about the validity of assumption about the potential causal linkage between *X* and *Y* can be enhanced through taking into account the traditional Humean criteria of causation. Firstly, to the extent that a plausible relationship between two variables can be established, we at least have grounds for discussing whether one may have caused the other (as cited in Strömvik). Next, when we can present ‘a plausible idea as to why one variable would cause the other’ (ibid). Other, more precise criteria involve ‘temporal succession’: an independent *X*-related cause/event must always precede and/or be consistent with a dependent *Y*-related cause/event in temporal respect. In the words of J. Mahoney, ‘causation is fundamentally a matter of sequence’ (Mahoney 2004: 88): in order to establish that *X* causes *Y*, one has to include temporal dimension and the sequence of events into analysis. Fourthly, regular conjunction must exist between the *X*- and *Y*-related variables. Recurring empirical regularities is an important source of evidence about causal relations: the regular association between *X* and *Y* suggests the existence of a positive causal

⁵⁶ ‘Methodological individualism’ of narrative implies that its shape is often decided by subjective preferences of a particular historian (Pomorski 1990: 43).

relationship between them (Hedström and Ylikoski 2010: 53; also Collier 2011: 824).⁵⁷ Longitudinal study may enhance the reliability of findings in this respect.

In this research, narrative serves both as a presentational mode for analysis (i.e., the disaggregated events are assembled into a coherent story), and as more specific analytical technique for exploring the underlying causality of Euro-Balkan police cooperation. Since the form of narrative can be flexible and depend on subject under analysis (Lange 2013: 45), the forms of narrative that I employ in this dissertation are adapted for the specific research purposes. More specifically, in the dissertation, I rely on the two sub-types of qualitative narrative analysis: the first is simple or ‘conceptualized’ empirical narrative, while the second one is ‘causal narrative’. Both sub-types share most attributes of conventional historical narrative, including its dominant causal logic grounded in temporal sequencing of events. There are, however, slight differences among both types that are exploited for the specific purposes of this research project.

The first sub-type of narrative is predominantly category/concept-bounded: it ‘presents a conceptualized telling of case histories’, where concepts are applied to the distinct periods in chronology (Berends and Deken 2019: 7). Concepts are introduced first and used as ‘theoretical signposts’ to support the narrative presentation. Concepts can be used to label actions, occurrences, or moments to signpost the relationship between the empirical data and theoretical concepts. Using the concepts as signposts forces the author to directly connect theoretical telling and empirical showing, thus making a narrower selection of empirical material compared to the inductive composition (ibid). This form of narrative inquiry is utilized in the first two empirical chapters of the dissertation (chapters two and three), where data is analyzed systematically according to concepts (i.e., ‘factors’ here are designated as ‘concepts’). Specifically, at this stage of analysis, I present a simple concept(factor)-bound narrative, where factors $X2:INS$ and $X1:OC$ are not as yet checked for consistency with an outcome $Y:PC$, but are merely linked to the distinct temporal units/periods (in the longer analyzed timeframe 1991-2011). Since in this research I hypothesize that $X3:POL$ is a primary cause of $Y:PC$, while my intention is concurrently to demonstrate that the causality between $X1:OC$ and $X2:INS$ and $Y:PC$ is ‘spurious’ (in the $X1$ -case) and partial (in the $X2$ -case), and should be eliminated, it does not make sense at this stage to check the relationship between $X1:OC$ and $X2$ and $Y:PC$ for the presence of causal connection with the $Y:PC$. Instead, the findings of the $X2:INS$ and $X1:OC$ -related analysis will serve as a ‘background material’ for the comprehensive (‘causal narrative’) analysis that I will perform for all three

⁵⁷ Additionally, causality also can be established with a relative certainty when alternative causes/factors have been ruled out, but, according to Max Bergman, this requirement is virtually impossible to meet in real circumstances (I3).

factors simultaneously in the concluding (fourth) chapter, where the *X3*-factor is at the centerpiece of analysis. Such analytical composition will not obstruct the endeavours at obtaining a holistic perspective on how all three factors relate to each other in producing the outcome; it will also allow eliminating spurious causality and establishing the actual one. In short, the actual meaning of the two large analytical segments, where *X2:INS* and *X1:OC* factors are placed in the wider historical context against the arrow of time, will become clear as they will be brought together in the end together with the *X3*-factor and the *Y:PC*-outcome.

The ‘causal narrative’, in contrast to the ‘conceptualized’ version of narrative analysis, concentrates more specifically on exploring causes and causal mechanisms of a particular social phenomenon. To use this technique, the researcher compiles various primary and secondary evidence, assesses it critically and presents a coherent and descriptive account about causation (Lange 2013: 43). The aim is to differentiate between primary causal factors in the chain of events and non-causal factors. Again, it is up to the individual skills of the researcher how to separate causal factors from non-causal ones. In the dissertation, I use causal narrative analysis at a final stage of research (fourth chapter) for the purpose of a more comprehensive and complex analysis performed to establish and specify the causal weight and relationship of *all* three *X*-related factors (*X1:OC*, *X2:INS*, *X3:POL*) – to the *Y*-related outcome (*Y:PC*) in the context of unfolding historical events (i.e., the events related to the evolution of Euro-Balkan relationships). Again, the findings of the previous (*X1:OC*- and *X2:INS*-factor-related) discussion are integrated into the analysis and fully exploited only at this final stage, where it makes sense to display all three factors consistently, against the sequential unfolding of ‘events’ over time, in order to demonstrate their (non-)causal relation to the *Y:PC*, as well as to compare and specify the relative significance of these factors to each other in explaining the outcome. The analysis at this stage involves more detailed attention to the underlying causal mechanism,⁵⁸ which helps to filter out the impact of factor that is presumed to have primary causal impact on the outcome (*X3:POL*) from other factors that are presumed to be of no causal significance on the outcome (*X1:OC* and *X2:INS*). In other

⁵⁸ In this dissertation, ‘causal mechanism’ is understood broadly as the sequence of (historical) events and processes (the ‘causal complex’) that are linked by the cause-effect relationship and lead to an event (‘outcome’) (Beach and Pedersen 2013: 35). The proposed definition resonates with the basic definitions of ‘causal mechanisms’ that most social scientists have proposed (a comprehensive overview of definitions of causal mechanisms is provided by Hedström and Ylikoski 2010). Even though comprehensive understanding of causal mechanisms requires specification of the participating actors’ properties, including their beliefs and preferences, understanding of how the interactions between actors are organized, and what factors can prevent/modify an outcome, in this research, I do not pursue the study of the causal mechanism in its entirety. Rather, I concentrate on the *activities* the actors are engaged in and the *results* of these activities, as I adhere to Hedström’s and Ylikoski’s notion that a mechanism is effectively identified ‘by the kind of effect it produces’ (ibid: 50). In the parlance of critical realists, I focus more on the level of the ‘actual’, rather than on the underlying ‘ontological structures’ that constitute the essence of causal mechanisms, although these underlying structures are also taken into account whenever possible.

words, at this stage of research, the examined factors ($X1:OC$, $X2:INS$, $X3:POL$) are placed in a wider historical context of evolving Euro-Balkan relationships against the temporal ordering of $Y:PC$ -related events. It is then checked (using the afore-mentioned Humean ‘causality criteria’) *which* of these factors has the *strongest* impact on the outcome $Y:PC$. The overall technique of narrative inquiry allows focusing on the overall context as well as those specific ‘links in a causal chain that are most crucial for the overall argument’ (as cited in Schimmelfennig 2015: 106)⁵⁹ and to simultaneously offer a coherent and rich historical explanation.

‘Embedded case-study’

While the overall empirical analysis of Euro-Balkan police cooperation from a longer-term evolutionary perspective comprises intensive investigation of a single case (‘general case-study’), it also incorporates several smaller within-case observations (George and Bennett 2005: 10), or subunits, within this broader single case (‘embedded case-study’). In the dissertation, the embedded case-study is used as part of a more insightful study of influence of political ($X3$) factor on the process of internal security cooperation of the EU in the Western Balkans (i.e., as part of answering the third research question). Specifically, it involves exploration of concrete practices of institutions and systems of European law enforcement in the Western Balkans as instruments of the Union's politics in this region. As two mini-case-studies, I have selected two free-standing ‘institutions’ of the EU's JHA, which are called ‘crime technicians’ (Sheptycki 2011a: 64) due to their functional specialization, and which are legally entitled to cooperate externally with the non-EU/third partners of the Union. These are coordination agencies – the European Police Office (Europol)⁶⁰ and European Police College (CEPOL).⁶¹ The executive instruments of cross-border policing (the ‘Schengen system’ that also encompasses operational police instruments such as ‘joint investigation teams’) constitute the third mini-case-study. The specific task here, based on the examination of category-specific projects that both Europol and CEPOL have performed in the Western Balkans in the 2000s, as well as the examination of ‘externalization’ of the Union's operational police tools, is to explore how these EU police actors/systems have contributed to furthering the Union's political aims in the Balkans.

⁵⁹ That is, I do not display the causal path in *all* its details as is required, for example, in the process-tracing technique.

⁶⁰ While Europol has been renamed several times (with its current title being the ‘European Union Agency for Law Enforcement Cooperation’), in the present work, I refer to the official title that Europol received when it was established in 1999 – i.e., the ‘European Police Office’.

⁶¹ In 2016, CEPOL was renamed to the ‘European Union Agency for Law Enforcement Training’. In the dissertation, I refer to the official title of CEPOL (i.e., the ‘European Police College’) in the 2000s.

Table 1. Research design: qualitative multi-method research (multivariate congruence testing embedded in historical case-study and employed in combination with narrative analysis)

Layer 1: LONGITUDINAL HISTORICAL (GENERAL) CASE STUDY: 1991-2011			
FACTORS	(The relationship between factors and outcome operationalized as) THEORIES	Layer 2: CONGRUENCE ANALYSIS. Checking the congruence of theoretical expectations with empirical data (existing theories are tested to see whether they can provide an explanation of an outcome)	OUTCOME. (In)congruence of competing theories with empirical observations → theory/-ies' validity/non-validity
$X1:OC$ (‘primary’ factor, according to the literature)	$X1:OC \rightarrow Y:PC$	Layer 3: simple/conceptualized empirical narrative. Concept (factor)-bound description of how factor $X1:OC$ ‘behaves’ itself in distinct temporal periods	?
$X2:INS$ (important ‘enabling’ factor, according to the literature)	$X2:INS \rightarrow Y:PC$	Layer 3: simple/conceptualized empirical narrative. Concept (factor)-bound description of how factor $X2:INS$ ‘behaves’ itself in distinct temporal periods	?
$X3:POL$ (causal impact is uncertain)	$X3:POL \rightarrow Y:PC$	Layer 3: causal narrative. Full causal account of how factors $X1:OC$, $X2:INS$, and $X3:POL$ impact on the final outcome $Y:PC$. The aim is to uncover the ‘causal mechanism’ (focusing on the level of the ‘actual’) and thus to filter out the impact of factor that is hypothesized to have primary causal impact on the outcome $Y:PC$ ($X3:POL$) from other (non- or partially-causal) factors of influence ($X1:OC$ and $X2:INS$). <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> Embedded case-study. The ($X3$-factor-linked) study of the political dimension of cooperative activities of European police actors (Europol, CEPOL) and systems (Schengen) in the context of the EU's politics in the Western Balkans. </div>	?

Research data and material

Since most common problems associated with historical research include ‘unwarranted selectivity’ in the use of historical source material and ‘investigator bias’, in order to minimize both risks, it is recommended to rely on a broadest possible range of sources (data triangulation), with preference to primary data (Thies 2002). This research therefore draws from an extensive amount of documentary data and data sources, choosing, wherever possible, first-hand material (public documentary sources, statistical data, and interviews). In the dissertation project, I also rely on various secondary sources of information and evidence (research reports, journal articles, and publications) to produce the results. In the analysis, I relied primarily on the Western European sources of information to extract explanations, but also used original Balkan sources of data. When collecting data, in order to identify possible inconsistencies, I cross-referenced and compared findings and interpretations from different sources. Conducting longitudinal case-study has become one of means to prevent possible biases of historical research and thus to increase validity and reliability of the argument.

Specifically, the following sources of primary and secondary data and material were used in the present research project (description by chapters).

In the second chapter dedicated to the historical evolution of institutional build-up of the European police cooperation (internal and external dimensions), I mostly relied on the first-hand sources of data, but also secondary sources. In the discussion of internal dimension of European police system, I relied on published primary sources such as the constitutional EU treaties⁶² and the overarching politico-strategic programmes on JHA/AFSJ,⁶³ as well as other relevant documents of European institutions. Secondary legislation of the EU⁶⁴ was analyzed to discuss ‘operational’ components of European police system, including European JHA agencies, together with the main planning documents and policy papers related to their functioning.⁶⁵ In their turn, secondary sources provided a broader perspective on the European system of police interaction. The discussion benefited from a range of scholarly works on European law enforcement

⁶² For example, Treaty of Maastricht. *Treaty on European Union*. Signed in Maastricht, 7 February 1992. In: Official Journal of the European Communities, C 191, 27.09.92.

⁶³ For example, European Council (1999) *Presidency Conclusions Tampere 15 - 16 October 1999*.

⁶⁴ For example, Council of the European Union (2002c) *Council Framework Decision of 13 June 2002 on joint investigation teams*. In: Official Journal of the European Communities, L 162/1, 20.06.02.

⁶⁵ For example, European Police College (2007) *Work Programme 2008*. Available at: <https://www.cepol.europa.eu/sites/default/files/AWP2008.pdf>. Accessed on 16 July 2019.

cooperation.⁶⁶ While plenty of literature is currently available on European police institutions such as Europol, research on other law enforcement bodies such as CEPOL has remained limited so far. Because of that, electronic sources of information such as the CEPOL's official web-page were mainly consulted for research purposes.⁶⁷ As regards external dimension of European policing, in the analysis, I relied on the thematic EU documents dedicated to the ED-JHA/AFSJ, such as the 2005 Strategy on the External Dimension of the EU Freedom, Security and Justice),⁶⁸ together with international treaties of the EU.⁶⁹ Additionally, secondary sources, including publications dedicated to the external EU JHA dimension were consulted.⁷⁰

The third chapter is dedicated to the issue of Balkan organized crime. The impact of Balkan crime threat on European security situation has been addressed only marginally in the existing academic literature, and only sparse data exists on the real scale of this phenomenon. Particularly in the 1990s, due to the warfare conditions, information exchange on organized crime among republican police authorities in the Balkans was limited, and systematic professional monitoring of crime at the central EU level was not conducted. Therefore, in order to gain a perspective of the scale of security threat associated with export of the Balkan-related crime to the EU's territory during the 1990s, I mainly derived from the available non-EU sources (in addition to interviews). These include specialized reports released by international institutions such as Council of Europe (CoE),⁷¹ and reports by the United Nations Office on Drugs and Crime (UNODC).⁷² Also, specialized threat assessments and other analytical products of Interpol,⁷³ of International Organization for Migration (IOM),⁷⁴ and documentation of the European Parliament,⁷⁵ were used. As regards Balkan crime in the 2000s, compared to the previous decade, the development of the Balkan criminal phenomenon during this temporary segment was accorded far stronger attention

⁶⁶ For example, Anderson, M., Boer, M. den, Cullen, P., Gilmore, P., Raab, C., Walker N. (1995) *Policing the European Union*. Clarendon Press, Oxford.

⁶⁷ www.cepola.europa.eu.

⁶⁸ Council of the European Union (2005a) *A Strategy for the External Dimension of JHA: Global Freedom, Security and Justice*. Council document 15446/05, 6.12.2005.

⁶⁹ For example, Council of the European Union (1998c) *Pre-accession Pact on Organized Crime between the Member States of the European Union and the Applicant Countries of Central and Eastern Europe and Cyprus*. In: Official Journal of the European Communities, C 220, 15/07/1998.

⁷⁰ For example, Mitsilegas, V., Monar, J., Rees, W. (2003) *The European Union and Internal Security: Guardian of the People?* Palgrave Macmillan.

⁷¹ Council of Europe (1998) *Report on the Organised Crime Situation in Council of Europe Member States – 1996*. European Committee on Crime Problems (CDPC), PC-CO (98) 26 REV. Available at: <https://www.coe.int/t/dg1/legalcooperation/economiccrime/organisedcrime/Report1996E.pdf>. Accessed on 10 January 2016.

⁷² E.g., UNODC (1999) *Global Illicit Drug Trends*. New York.

⁷³ Interpol (1997) *European heroin scene. Balkans – the focus 1996-1997*. Lyons.

⁷⁴ E.g., IOM (2003) *First Annual Report on Victims of Human Trafficking in South-Eastern Europe*. Geneva.

⁷⁵ European Parliament (2000) *Trafficking in Women. Working Paper*. Civil Liberties Series LIBE 109 EN, the European Parliament. Available at: http://www.europarl.europa.eu/workingpapers/libe/pdf/109_en.pdf. Accessed on 15 January 2016.

by researchers. In addition to the afore-mentioned CoE's and UNODC's documentation,⁷⁶ the analysis of Balkan crime trends in the 2000s derived from reports commissioned by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA),⁷⁷ Europol's specialized threat assessments, the EU's [JHA] Council documents,⁷⁸ and the European Commission's annual Progress Reports analyzing situation in the individual Balkan countries.⁷⁹ The reports by the South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), provided an additional important source of information.⁸⁰ The secondary sources that I used in this chapter include articles published by independent authors in the academic journals,⁸¹ and another literature.

In the fourth chapter, which is dedicated to the issue of Euro-Balkan police cooperation as such, I relied on both primary and secondary sources. Thus, as regards the 1990s' period, documents of European institutions (the Council and the Commission) related to the evolution of the EC/EU's political relations with countries of former Yugoslavia were used.⁸² Also, various journal articles provided important information about the EU's foreign and security policies regarding the Balkans during the 1990s. Concerning the 2000s' phase, the primary documentary sources that I examined for the discussion of Euro-Balkan relationships included, *inter alia*, documents of the Stability Pact,⁸³ the documents of the EU's Stabilization and Association Process, including the relevant material of the European Commission and the Council.⁸⁴ Second-hand published sources were also consulted, including vast literature on the contemporary problems and perspectives of political relations between the Western Balkan group of countries and the EU.⁸⁵ Additionally, the documentary sources and events archive of Europol,⁸⁶ CEPOL,

⁷⁶ E.g., UNODC (2011) *Drug Situation Analysis Report. South-Eastern Europe*. New York. Available at: <http://www.msb.gov.ba/dokumenti/DSAR.SEE.published.pdf>. Accessed on 3 September 2018.

⁷⁷ For instance, EMCDDA (2008) *Monitoring the Supply of Heroin to Europe*. Luxembourg: Office for Official Publications of the European Communities.

⁷⁸ E.g., Council of the European Union (2011c) *Regional Report on Western Balkans*. Council document 5583/11, 21 January 2011.

⁷⁹ European Commission (2007) *Albania 2007 Progress Report*. SEC(2007) 1429, 6.11.2007.

⁸⁰ E.g., SEESAC (2003) *Cross-border Trafficking in South Eastern Europe – assessing trafficking activities in the Southern Adriatic Region*. South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons.

⁸¹ E.g., Papanicolaou, G. (2008) The Sex Industry, Human Trafficking and the Global Prohibition Regime: a Cautionary Tale from Greece. In: *Trends in Organized crime*, 11.

⁸² E.g., European Council (1997) *Council Conclusions on the Application of Conditionality with a View to Developing a Coherent EU-Strategy for the Relations with the Countries of the Region*. PRES/97/129, 29 April, Annex 3.

⁸³ Stability Pact for South Eastern Europe (2003) *Police Forum Initiative Report*. Tirana.

⁸⁴ E.g., Council of the European Union (2009a) *Conclusions of the Western EU Lead Nations Liaison officers Meeting, Zagreb, 11-12 February 2009*. Council document 65/74/09. REV 1, 23 February 2009.

⁸⁵ For example: Belloni, R. (2009) *European Integration and the Western Balkans: Lessons, Prospects and Obstacles*. In: *Journal of Balkan and Near Eastern Studies*, Vol. 11, N. 3.

⁸⁶ For instance: Council of the European Union (2008d) *Manual of Good Practices Concerning the International Police Cooperation Units at National Level*. Council document 7968/08, 4 April 2008.

and Police Cooperation Convention for Southeast Europe (PCC-SEE)⁸⁷ were utilized at this stage of the project.

Interview data

The information acquired from interviews also provided ‘primary evidence’ for the dissertation. Ten semi-structured (both phone and in person, or face-to-face) interviews were conducted in the period between 2012 and 2019 in order to provide data that could not be gained from official sources. The most important interviews were with Jurgen Storbeck and Max-Peter Ratzel. Both are experienced and high-ranking officials of German criminal police (*‘Bundeskriminalamt’*) and former directors of Europol, with extensive and invaluable experience in European police cooperation.⁸⁸ Other important interviews were with Detlef Schröder, German police official and CEPOL’s current director, with one anonymous member of the CEPOL’s External Relations Working Group (ERWG),⁸⁹ with Ottavio Bottecha, Austrian police official and the current head of the Secretariat of Police Cooperation Convention for Southeast Europe, with Anton Travner, the former PCC-SEE’s head, and their assistants.⁹⁰ Interviews conducted with Professor Monica den Boer, an established academic expert in the area of European internal security,⁹¹ and Professor Dimitar Bechev, one of leading world experts on the Western Balkans were also of great assistance to this research.⁹²

The dissertation additionally drew from extensive conversations with representatives of academia, specialists with a law enforcement background, and representatives of intelligence circles that I met during conferences and various professional meetings.⁹³ Although these discussions are not included in the dissertation’s main text, they helped me to gain a broader

⁸⁷ PCC-SEE (2006) *Police Cooperation Convention for Southeast Europe*. Vienna, 5 May 2006.

⁸⁸ 18 Storbeck, J. (Europol, Director) (28.05.2019) Interview. Wiesbaden, Germany.

⁸⁹ 17 Schröder, D. (CEPOL, Director), Kordazczuk-Was, M. (PhD) (29.07.2019) Joint online interview (‘webinar’); 11 Anonymous member (CEPOL’s External Relations Work Group) (8.03.2013) Phone interview.

⁹⁰ 15 Bottechia, O. (Secretariat of Police Cooperation Convention for Southeast Europe, Head), Lednik, K. (Secretariat of Police Cooperation Convention for Southeast Europe, Main Assistant) (18.06.2019) Joint interview. Ljubljana, Slovenia; 19 Travner, A. (Police Cooperation Convention for Southeast Europe, Director) (11.04.2012) Phone interview.

⁹¹ 14 Boer, M. den (VU University Amsterdam, Professor) (2.09.2010). Interview. The Hague, Netherlands.

⁹² 12 Bechev, D. (London School of Economics and Political Science, Professor) (13.12. 2018) Interview. Helsinki.

⁹³ Erkki Hämäläinen (National Bureau of Investigation, Finland, Representative), Marjo Waismaa (Ministry of the Interior, Finland, Senior Adviser), Kari Rantanen (National Bureau of Investigation, Finland, Representative), Dr. Ludo Block (Grant Thornton Forensic and Investigation Services, former liaison officer of the Dutch Interior Ministry to Russia), Jorg Monar (College of Europe, Bruges, Belgium, Professor), Dr. Sarah Wolff (Clingendael – Netherlands Institute of International Relations, Senior Research Associate), Sasa Djordjevic (Belgrade Center for Security Studies, Serbia, Researcher), Nikolai Sokolov (Russian Embassy in Sweden, Liaison Officer), Joaquim Nunes de Almeida (European Commission, Unit A3 Police Co-operation and Access to Information, Head of Unit), and Menno Hegemeier (Europol, Representative).

perspective of the situation with transnational police work at the trans-European level, including Euro-Balkan police interaction. Especially discussions and meetings with police professionals were helpful in understanding the 'black box' of practical daily police work both inside the Union and outside its geographical frontiers, and therefore they were of huge benefit to this research.

1.6. Dissertation's Outline

The textual structure of the dissertation, apart from introduction (chapter one), conclusion (chapter five), and bibliography, consists of the three main empirical chapters.

The second chapter examines the *X2*-factor related to the institutional evolution of European police cooperation in both domestic and external contexts. The aim of the analysis in this chapter is to determine the level of development of institutional police resources of the EU during specific temporal periods and thus to prepare the analytical ground for the concluding chapter. As the organizational landscape of the EU police cooperation is very complex, sufficient attention to the nuances and details of its evolution is required, even though not all information will be included in main study in the final chapter. The first section of the chapter presents a comprehensive chronologically-structured account of institutionalization of the Union's internal 'archipelago of policing' (Bigo 2008: 18), including the external dimension thereof, in the 1990s and the 2000s. The section is organized according to the major phases of formation of the EU's institutional law enforcement competence, to which both overarching EU treaties (the Maastricht, Amsterdam, and Lisbon versions of the Treaty on the European Union⁹⁴), and main political meetings (in Tampere, The Hague and Stockholm) made their important contribution. The second section examines various arrangements and mechanisms existing to promote 'operational' police activities in Europe. In this part, the European police agencies Europol and CEPOL are also introduced with regard to their institutional evolution, organizational structure, and their respective professional mandates, including in the external domain. After that, the discussion proceeds to the 'operational' instruments of European cross-border policing, including those of the Schengen system and other relevant tools.

The third chapter is dedicated to the *X1*-OC factor and analyses evolution of the Balkan organized crime threat to the European security. The first section deals with the period of the 1990s, examining the Balkan-related criminality phenomenon in its three chief categories (illicit

⁹⁴ Both the Nice EU Treaty and the EU Constitution do not feature in the discussion. The Nice Treaty did not introduce any significant modifications into the Union-wide competence over internal security matters, while the EU Constitution failed ratification in the EU's member states.

trafficking in narcotics, trafficking and trade in human beings, and trade in SALW), and looks at the impact and implications of these forms of the Balkan-related criminality for the Union's internal security. The next section examines and describes the security landscape and trends in the Western Balkan organized and serious crime in the 2000s. This chapter sets the contextual background for the analysis in the next chapter, as it helps to evaluate the extent to which security/crime factor was instrumental in the development of the EU police activities in the Balkan region during the mentioned time-span.

The fourth chapter engages with a comprehensive multifactorial analysis of evolution of *X1:OC*, *X2:INS*, and *X3:POL* factors in a broader historical context of Euro-Balkan relationships. The aim is to examine which of the afore-mentioned three factors eventually led to an outcome *Y:PC* and hence which of the afore-mentioned factors-related theories hold most power to explain the internationalization of European police cooperation. In temporal respect and for convenience sake, the chapter is subdivided into two major sub-phases of the 1990s and the 2000s, and respective developments are examined in details within each of the sub-periods. In the concluding section of the chapter, in order to deepen the argument about the ‘political’ nature of international EU police cooperation and thereby to additionally demonstrate the explanatory power of the *X3*-factor-related theory, I also analyze activities of European law enforcement agencies and systems as tools of European politics in the Balkans.

The dissertation ends by the overall conclusion and synthesis of main research findings from the viewpoint of overarching theoretical objectives of the dissertation (chapter five).

Chapter 2. ‘Institutional Factor’. Evolution of European Law

Enforcement Model: Internal and External Dimensions

Introduction

The present chapter investigates the institutional X2-factor related to the EU's ability to cooperate on police matters. Since according to the literature on institutionalization, codification/formalization of norms in a certain policy area leads to stronger cooperative opportunities, in order to assess the Union's capacity to cooperate on respective issues during specific temporal periods, one has to undertake a preliminary exploration of how institutionalization of the EU's law enforcement model proceeded historically. Relying on the concept of ‘institutionalization’ as a heuristic tool for framing and organizing the analysis, this chapter explores the historical evolution of the EU's police model, including its both internal and external aspects.

Since, as noted earlier, institutional changes normally occur through historical ‘critical junctures’ where institutional reform is an explicit part of the agenda, the study of the institutionalization of the EU's police system necessitates stronger attention to the landmark historical decisions that were crucial for altering inter-institutional power balance (Servent and Kostakopoulou 2016: 180) between the EU and national levels increasingly in favor of a supranational level, and for creating formal legal system and organizational arrangements with a EU-wide competence in this policy domain. Relying on F. Trauner and A. R. Servent's taxonomy of institutional change, and M. Smith's classification of historical stages of institutionalization, in the first part of the chapter, I explore institutionalization dynamics of European law enforcement at the ‘high political, or ‘macro-level’.⁹⁵ The study of developments at this level is important,

⁹⁵ In this dissertation, following J. Benyon's definition, I provisionally identify three ‘levels’ of international police cooperation: macro-, meso-, and micro-levels. The first level is concerned with determining the overarching politico-strategic modalities and preconditions in the area of law enforcement, including harmonization of relevant national laws and regulations. The main actors at this level are governmental and senior officials who determine the ‘rules of the game’ for the police activities, including respective activities at the lower levels. In the EU, the macro-level of policing refers to a level of constitutional Union's treaties and international legal agreements, such as the Amsterdam Treaty. The meso-level, in turn, is concerned with defining operational framework within which day-to-day pragmatic police collaboration occurs, such as police structures, practices, procedures, and technology. This level also involves information sharing through common information databases, and cooperation among middle-ranking police representatives. In the EU, the meso-level is represented by specialized institutions like Europol and CEPOL. The micro-level is concerned with the pragmatical ‘on-the-ground’ collaboration of lower-ranking police officials who

because in the EU the establishment of meso- and micro-level police cooperation was enabled through political negotiations and decisions at the macro-level. Specifically, this involves examination of how the European police system changed through the revisions of the EU constitutional treaties adopted in Maastricht, Amsterdam, and Lisbon. In addition to the formal institutionalization occurring at the macro-level through the EU Treaty framework, institutionalization of an EU-wide police model that occurred through ‘normative events’, such as the European Council summits in Tampere, The Hague, and Stockholm, is also considered here. As S. Dalferth (2008: 266) notes, a meaningful discussion of evolution of European criminal justice interaction should by no means be restricted to examination of formal cooperative structures but has to include ‘normative frames for action’ and their progressive evolution.

The analysis of the institutional development of ‘internal’ system of European police interaction is conducted in this chapter parallel with analysis of institutionalization of the EU’s ‘external’ law enforcement system. This process entailed formation of a separate *legal competence for the Union* to enter into cooperative relations with third partners on police matters, as well as the creation of overarching normative standards and orientations for the member states enabling stronger cooperation in the respective area.

Notwithstanding the dissertation’s chronological framework being restricted to the 1991-2011 period, I deem it necessary to include in the analysis also an important historical precursor of European policing, the TREVI Group. Since this arrangement was created in 1975, it does not fit neatly into the designated chronological framework. However, since the Group was a major ‘building block’ of the European system of policing, or the ‘protoinstitutional setting’ that gave birth to many important routines in the field (Peters 2012: 35), it is included in the analysis.

The second section of this chapter introduces principal systems and arrangements regulating pragmatically-oriented, or ‘functional’, police business in the Union at both meso- and micro-levels. The observation of these systems is required to set the background for the analysis in the dissertation’s last chapter dealing with the political aspects of functioning of these police arrangements in the international setting of the Balkans. The main systems of trans-European policing include European Police Agency (Europol), European Police College (CEPOL), and the ‘operational’ instruments of a Schengen system based on the Schengen 1990 Convention, as well as more specific techniques in the field such as joint investigation teams (JITs), and liaison

tackle individual criminal delinquencies. In the Union, micro-level policing is represented by the Schengen system and such operational techniques as joint investigation teams and liaison officers (Benyon *et al.* 1994: 47-55).

officers, are considered in this section. The former two are the key meso-level bodies within the EU's system, with a competence to combat organized crime across Europe; in S. Gless' definition, they represent 'vertical' (or 'semi-vertical') arrangements due to their partial affiliation with and accountability to the Union's central decision-making structures (Gless 2010: 31). The latter (the Schengen arrangements and operational cross-border policing techniques) represent less formalized ('horizontally-styled') strategies of EU-wide police interaction at the micro-level. The systems of European meso- and micro-level police work will be discussed prevalently with regard to their origins and evolution in the broader EU institutional system – as part of a more general analysis of the institutional evolution of the Union's policing model undertaken in this chapter. After a brief synopsis of these systems' institutional development, I will discuss their professional profiles and 'competence areas', including their cooperative mandates in the external realm.⁹⁶

2.1. Institutional Evolution of the EU's Police Action Potential: Macro-Level Policy Developments

2.1.1. The TREVI Group: Nascent Stage of Institutionalization of Trans-European Police Business

Historically, attempts to coordinate transfrontier law enforcement on the European continent were undertaken already in the second half of the XIXth century, and it is already at the brink of XIX-XXth century that some shared rules and practices in the field emerged.⁹⁷ However, institutional development of a common European system of law enforcement *per se* (i.e., as a parallel structure of the European Community) got its start only in the second half of the XXth century, when the EC's constituent governments decided to move away from the bilateral and informal approach that was typical for police cooperation in Europe before that⁹⁸ towards more

⁹⁶ The 'external dimension' of micro-level policing, i.e., those of the Schengen arrangements and other respective cross-border policing techniques, is not considered in this chapter. This is because, in contrast to the free-standing institutions Europol and CEPOL that have legal personality and are entitled to enter into contractual relations with the outside partners, the Union's operational police strategies do not possess legal personality of their own. The external dimension of the operational EU's law enforcement materializes through the adoption of relevant rules and standards by states-candidates for the EU's membership after their entry into the Union. Thus, in the Western Balkan context, the adoption of European operational policing techniques by the Balkan states materialized in the form of unique Police Cooperation Convention for Southeast Europe, which is a separate subject for discussion in the dissertation's final chapter.

⁹⁷ On the historical genealogy of transnational policing in Europe, see Deflem 2002; also Andreas and Nadelmann 2008.

⁹⁸ For example, in the 1960s and in the 1970s, a wide net of both informal and semi-formal police liaison in Europe existed at the bilateral and regional levels between Benelux and Nordic states, and between France and Germany. Cooperation among police in the English Channel Region and in the densely populated Meuse-Rhine and English Channel regions were also outstanding examples of such practices (Block 2011: 55-58; Scheptycki 1998).

formalized law enforcement system. The increased trafficking and trade in drugs, and terrorism of both intra-European and Middle Eastern origin that since the late 1960s was progressively gaining hold in Europe (Occhipinti 2003: 31), as well as growing frustration of national police officials with Interpol's inability to handle terrorism threat,⁹⁹ were major exogenous factors explaining why the EC's member states decided to circumvent traditional Interpol's structures and to embark on a more unified approach concerning policing.¹⁰⁰

This decision materialized in the form of the so-called TREVI Group, which was established at the 1975 European Council's meeting in Rome¹⁰¹ by the-then fifteen EC member states. The Group's position within the Community's structures was one of considerable – both institutional and legal – ambiguity. The TREVI represented an intergovernmental, horizontally-structured forum with unclear legal status within the Community and with virtually no contacts with the supranational EC's bodies such as the European Parliament and the Court (Occhipinti 2003: 31-32). The Group lacked a central secretariat and a central data-base for information exchange (ibid). In terms of its work mandate, the Group mainly acted as a venue for the exchange of data and experience related to cross-border crime investigations among fellow police professionals from the participating states, and it also contributed to police interaction across Europe by offering national law enforcement representatives joint exercises and common training courses (Robertson 1994: 113). It consisted of officials of national interior ministries at the top level, of senior officials responsible for its coordination and steering at the middle level, and of work groups at a lower level (Turnbull and Sandholtz 2001: 214). Most preparatory work for the TREVI was carried out in these 'work groups', where national police officials gathered (often informally) during joint seminars and workshops to devise strategies for their daily cooperation. The output of the TREVI Group consisted mainly of non-binding recommendations intended to reduce practical obstacles existing in trans-border police interaction in Europe (Dalferth 2008: 23). In other words, the Group did not create any formal and binding rules and regulations, and therefore its opportunities for organizing collective police action at the European level were limited.

Nonetheless, at that time, law enforcement was still the core area of the state's responsibility and a key building block of national sovereignty.

⁹⁹ Interpol traditionally pursues the policy of non-interference with religious, ethnic and politically-motivated crimes. Handling terrorism crime was officially included into Interpol's mandate only in the 1980s (Hebenton and Thomas 1995: 70).

¹⁰⁰ Broadly, the efforts to centralize cooperative police endeavours by the EC member states since the 1970s can be explained by the gradual erosion of classical forms of social ordering and control in the post-modern world and the ensuing 'dilution' of the state's previously uncontested 'monopoly on the legitimate use of force'. Taken together, these factors have over time led to a gradual process of re-location of policing capacity to the 'state-transcendent polities' such as the EU (Loader and Walker 2001: 22).

¹⁰¹ The acronym 'TREVI' stands for '*Terrorisme, Radicalisme, Extremisme et Violence Internationale*' denoting thus the main activity areas of the Group.

On the other hand, despite its intergovernmental status and informal work methods, the TREVI Group with its practices contributed to the establishment of a subsequent more centrally-controlled and formalized multilateral cooperation in the field. Institutionally, the Group was at least partly affiliated with the EC's structures: it operated along the parallel Community's administrative and organizational channels, and benefited from the cooperative structures, opportunities for networking, and institutional status associated with the EC Treaty framework (Anderson, Boer, Cullen, Gilmore, Raab, and Walker 1995: 252; subsequently – 'Anderson, M. *et al* 1995...'). In particular, the upper level of the TREVI Group's organizational structure consisted of justice and interior ministers of the EC states. The Group's meetings were chaired by a member state holding the official EC presidency, while the respective minister from the member state holding the Council of Minister's Presidency was responsible for the Group's functioning (Gachevska 2009: 122). The fact that the European Commission had the status of an observer in the TREVI Group indicates a presence of a certain 'supranational element' in this organization. In this sense, as M. den Boer (1993: 2) notes, the TREVI Group was 'tied up with the process of European institutionalisation [...] entailed by the progress of European integration'.

Over time, the Group's work remit expanded significantly to include forms of crime and cooperative activities other than those that were established as its original mandate. Thus, while in the beginning of its operation the Group was mainly concerned with the 'high political' security and terrorism issues, over time its remit extended into additional issues of information exchange, policing equipment and techniques (Anderson *et al* 1995: 54). By 1985, the TREVI's remit expanded even more to include cooperation on serious forms of international crimes (other than terrorism) including drug trafficking, vehicle theft, money laundering, and environmental crime. Finally, in view of impending abolition of border controls inside the Union, the so-called 'TREVI 1992' was set up in 1988 to investigate the implications of community without frontiers (i.e., with regard to the potential risks of growing illegal immigration and attendant criminal threats) (Occhipinti 2003: 55). At the final stage of its existence, the TREVI Group managed the Ad Hoc Group on future European Police Office (set up in 1992), which drafted the text of the Ministerial agreement on Europol (agreed upon in late 1992).

As regards the external dimension of European policing during the TREVI period, this phase was characterized by virtually no autonomous role for the EC in the respective sphere. Since during the Group's functioning period the Community lacked a well-established legal and institutional base for its internal anti-crime policies, the equivalent legal competence in foreign

affairs was also missing. Therefore, until the entry into force of the Amsterdam Treaty, with some exceptions, bilateralism remained a guiding principle in the EC/EU's external relations in the realm of home affairs' collaboration. During the early phase of European integration, cooperation was conducted mainly at national level by police agencies of the EC states with their foreign counterparts and most advanced forms of police work existed, in particular, between police agencies of large European countries with their colleagues in the United States (Nadelmann 1993). In the 1970s/80s, driven mainly by internal security preoccupations, the Community undertook some, although still loosely coordinated, attempts to ensure joint coordination of police work and to mainstream operational police activities in the context of its external relations. In particular, it used the TREVI Group to establish relatively well-functioning communication channels with the police from Austria, Canada, Morocco, Norway, Sweden, Switzerland, and the U.S. (Skinner 2002: 208). These seven 'friends of TREVI' were associated with the Group's work and took part in its work meetings as regular observers (Klosek 1999: 613). Furthermore, when in the late 1980s the TREVI's Work Group III was established, it decided on posting drugs liaison officers (DLOs) to the countries outside the EC (the U.S., India, Finland, Canada, Norway, and Sweden) to collect and disseminate information on drug-trafficking collected from producer or transit countries (Woodward 1993: 14). The agreement was reached that these officers would liaise if posted to the same country and that the information that they gathered would be shared among the participating EC states (Bunyan 1993: 19).

In sum, the Group's creation marked an embryonic stage of institutionalization of police business in Europe, characterized by intergovernmentalism, informality, and information-sharing (the first stage of M. Smith's scheme). Both the TREVI's intergovernmental structure and the limited scope of its original participants were a major impediment for more extensive collaboration at the Community level, including the one with the foreign counterparts. However, despite informality and intergovernmental nature of TREVI's practices, this cooperative arrangement laid foundation for a subsequent more centrally-organized system of law enforcement cooperation in Europe. Acting as 'think-tank' for internal security issues (Boer, den 1993: 2), the Group allowed for 'pooling' of law enforcement practices and expertise of various police forces of the EC states. It gathered under a single roof representatives of national interior ministries and affiliated police officials with a common professional interest in trans-frontier crime-fighting. Their meetings contributed to the convergence of views and to the establishment of a common cooperative culture, whereby concerns regarding common European security were increasingly outweighing the previously egoistic concerns about the primacy of national security. Having laid the ground for the future more stable and permanent arrangements in the field, the TREVI Group

ceased its functioning in 1992 after being absorbed by a newly created institutional structure of the third pillar in the EU Maastricht Treaty.

2.1.2. The Treaty of Maastricht: Cautious Steps towards Formalization of the EU's Police Competence

The 1990s can be called an 'intermediate' stage of institutionalization of police business in Europe – a 'creeping supranationalisation', in C. Kaunert's words (Kaunert 2010a: 49) – since in this decade transition from the previous intergovernmental 'TREVI platform' to a more formalized structure of law enforcement and the establishment of institutionalized information-sharing mechanisms under the EU's aegis occurred. The Maastricht Treaty on the European Union (TEU) (adopted by member governments in February 1992; entered into force in November 1993) became a first serious formative stage in the institutionalization of the EU's collective police system. It led to the establishment of policing as a semi-institutionalized 'organizational field' of EU-wide action (Turnbull and Sandholtz 2001: 194), with the continuing dominant role of member states in this sphere (predominantly second stage of institutionalization, according to M. Smith's scheme, and partly third and fourth stages). Under the TEU, the TREVI system was incorporated into the newly created EU 'third pillar'¹⁰² and police collaboration became for the first time formally subject to a certain collective regulation at the Union's level through being included into the TEU's constitutional structure as a matter of 'common interest'. A formal change in the substantial policy dimension thereby occurred: pursuant to the Treaty [Article K.1(9)], the EU-wide police cooperation was now established with a goal of '[...] preventing and combating terrorism, unlawful drug trafficking and other serious forms of international crime [...]'. With a view to implementing this objective, the Treaty envisioned '[...] the organization of a Union-wide system for exchanging information within a European Police Office (Europol) [...]' (Treaty of Maastricht), and also smaller procedural changes with regard to the decision-making competence of the EU's bodies in the JHA policy domain.

The enhanced opportunities for closer European policing arose through the following changes in the Treaty. The Treaty 'absorbed' and replaced the TREVI Group, creating thereby a new permanent and more centralized institutional structure for EU-wide law enforcement. New permanent bodies were also set up with a competence for managing police work. In addition to formalizing the already existing central role of the Council of Interior and Justice Ministers (JHA

¹⁰² With the respective third pillar's sub-policies now assembled under a single title of 'Justice and Home Affairs' (JHA).

Council), as a main organ of decision-making in the internal security field, the Treaty established an additional structure in the area, the K.4. Committee, with a mandate to assist the Council. Another step in the direction of a more centrally-organized system of law enforcement interaction in the EU was taken with the inclusion of the Committee of Permanent Representatives of EU states (COREPER) into the institutional composition of the Union as an intermediary between the Council and the K.4. Committee, and with the establishment of the European Drugs Unit, the forerunner of Europol.

More integrative approach for the EU in the area of policing became also possible through the extension of the Union's legislative competences in the domain of the third pillar. If the 'TREVI *acquis*' for police collaboration was of non-binding nature, the Maastricht Treaty changed norms in the field in the direction of stronger formality. Pursuant to the TEU (Article K. 3), the Council was now entitled to adopt secondary legislation in the area of police cooperation, such as joint positions,¹⁰³ joint actions,¹⁰⁴ and conventions.¹⁰⁵ While the former instrument was not legally binding on the member states, the latter two had a binding effect upon member states. The introduction of these instruments was a significant step forward in the process of codification of the hitherto informal norms and customs in the field and establishment of a more unified EU's police policy. The Convention on Europol, which was established by virtue of the respective legal instrument of TEU (signed by member governments in 1995 and entered into force in 1998), was a concrete output of the newly acquired EU's competence to govern police business through adopting common standards in the area.

Alongside major institutional change in the *substantial* dimension of police policy (*i.e.*, inclusion of police cooperation as a semi-formal area of the EU's competence, with respective organizational and legal implications), changes in the procedural dimension occurred through introduction of a (still marginal) decision-making role for the EU's supranational bodies, contributing thereby to making European police interaction a more institutionalized domain of action. On the one hand, the Treaty codified the role of the Council of Ministers as a principal policy-making body with regard to relevant third pillar issues (unanimous vote), consolidating intergovernmentalism as a dominant principle of action in this policy area. To counterbalance this

¹⁰³ Joint positions allowed member states to collectively pursue a strategy on a certain issue of common interest (Dalferth 2008: 28).

¹⁰⁴ Joint actions represented a certain type of a common activity that the member governments could undertake collectively. Pursuant to the TEU [Article K. 3 (2a)], joint actions were to be adopted in cases when the objectives of the Union could be better achieved by joint action than by member states acting individually.

¹⁰⁵ Convention is a traditional instrument of international law and legally it is stronger if compared to joint positions and joint actions. The 1995 Europol Convention and the 2000 Convention on Mutual Legal Assistance in Criminal Matters are examples of the main conventions adopted under the third pillar in the post-Maastricht phase.

tendency, however, the Treaty endowed the Union's supranational bodies with certain extended powers to influence the developments regarding EU-wide police issues. Specifically, the European Parliament received the right to be kept informed by the Council regarding relevant policy developments in the third pillar, to pose questions to the Council concerning respective matters, and to make recommendations to it (Treaty of Maastricht). The formal position of the European Commission in the area was also somewhat enhanced: its representatives were now sanctioned to attend the K.4 Committee's meetings as observers (Occhipinti 2003: 37-38).

As regards external law enforcement, with the TEU's adoption, a fledgling institutional opportunity for law enforcement policy to develop into a more prominent field of EU-wide international activities emerged. Even though the Treaty did not grant the Union any explicit *formal* competence to cooperate externally in the field, it nonetheless made it possible for collaboration on internal security to be more closely associated with the EU's official foreign affairs. This possibility emerged, specifically, from the creation of a single constitutional structure for the Union. The unified constitutional system now embraced two previously distinct spheres of action: the EU's 'common foreign policy' (or coordination at the Union's level of national foreign policies; the 'second pillar') and criminal justice cooperation (the 'third pillar'). The Treaty (Article J.1) contained a reference on one of objectives of the CFSP as strengthening 'the security of the Union and its Member States *in all ways [italics here and below are mine]*' and called for 'gradually implementing [...] joint action in the areas in which the Member States have important interests *in common*' (Treaty of Maastricht). The latter provision applied, *inter alia*, to police cooperation, which, pursuant to the TEU, now constituted a matter of the member states' 'common interest'. The actual realization of the 'joint action' opportunity was still restricted because of only rudimentary state of integration in the third pillar and the absence of a formal bridge between the second and third pillars. Nevertheless, the Treaty's provisions opened a window of opportunity for the *rapprochement* between the hitherto legally and institutionally isolated spheres of JHA and foreign policy and for integration of police cooperation as part of the Union's foreign policy. As a result of the newly introduced provisions, in the post-Maastricht period member states several times acted internationally in a concerted manner and expressed their common positions on issues of organized crime and law enforcement cooperation.¹⁰⁶

In aggregate, both substantial and procedural innovations instituted by the TEU regarding police cooperation signified an important, albeit still embryonic, institutionalization of the internal

¹⁰⁶ An example of such position is the 1999 Council's joint position on the proposed United Nations convention against organized crime (Council of the European Union 1999c).

security field in the EU. On the one hand, the respective changes did not entail ‘uploading’ of significant policy-making capacity in the area of law enforcement to the Union's level and policing remained still predominantly an intergovernmental sphere of action throughout most of the ‘Maastricht phase’ (1993-1999). As decision-makers in the JHA area during the 1990s ‘remained attached to the norms of national sovereignty’ (Kaunert 2010a: 45), this obviously impeded more effective international cooperation in this domain. On the other hand, notwithstanding prevailing intergovernmentalism in this sphere, the Treaty certainly was an advancement in terms of institutionalization of European police business than merely intergovernmental principle assumes, as it created certain indigenous competence for the EU in this policy sphere. The Treaty consolidated a formal framework for policing in the Union through introducing new legislative instruments for the Union and endowing supranational EU bodies with extended authority in the third pillar. Most importantly from the perspective of practical policing, as a result of the aforementioned institutional alterations, the European Drugs Unit was set up and Europol Convention was signed by member states. All this were signs of a gradual shift towards more centrally-organized police system at the EU level.

2.1.3. The Amsterdam Treaty: Reinforcing Supranational Union's Authority over Law Enforcement

The Amsterdam Treaty (signed by member governments in October 1997; entered into force in May 1999) became the next step in the institutionalization of the European police model. One of the Treaty's principal objectives was to remedy institutional shortcomings in the JHA area that were left from the previous TEU, including vague cooperation objectives and the absence of a clear mandate for the Union's bodies. In substantial terms, the Treaty changed the foundational principles of JHA cooperation leading to the expansion of the EU's general scope of competence in this field. For the first time the policy ‘Area of Freedom, Security and Justice’, was established as a *goal in itself*, replacing the previous JHA domain, which was normatively attached to the goal of the accomplishment of the Single Market programme (Kaunert 2010a: 215). Substantively, in addition to the changed ‘ideational’ rationale for common police action, the Treaty also stimulated cooperative JHA opportunities through introducing stronger legal tools for cooperation. On a procedural side, the Treaty offered greater possibilities for cooperative internal security activities through altering the inter-institutional regime of decision-making leading to the enhancement of the Union's supranational bodies in this policy area.

As regards the substantive dimension of the policy change, overarching norms and rules of collaboration in the JHA/AFSJ increased in number and were codified in more details, enabling thereby stronger cooperation opportunities for member states in the field. The vague provisions of the previous Treaty defining police cooperation as a matter of ‘common interest’ were now replaced in the Amsterdam Treaty by a far more promising definition of European police cooperation as a domain of ‘common action’ (Treaty of Amsterdam). This ‘common action’, which was to be pursued by means of ‘closer cooperation between police forces [...] and other competent authorities in the member states, both directly and through the European Police Office (Europol) [...]’ (ibid: Article 29), was now extended to formally include a broader and more explicitly delineated scope of activities, including: (a) ‘operational cooperation between the [...] national [...] law enforcement services in relation to the prevention [...] of criminal offences; (b) the collection, storage, processing, analysis and exchange of [...] information [...] through Europol; (c) cooperation [...] in training, the exchange of liaison officers (ibid: Article 30). Together with a clearer articulation of the Union's common action in the JHA/AFSJ, the thematic scope of the EU-wide competence in this policy field now expanded to include the rules of Schengen cooperation, which was integrated into the Amsterdam Treaty by virtue of a separate protocol.

In addition to expanding the overall scope of the EU's responsibility over police business, the new Treaty advanced institutionalization of the European law enforcement by introducing more powerful legal tools for cooperation in the third pillar. Under the Treaty, the previous legal instruments were abandoned in favour of the ‘harder’ ones, which were now more binding upon the member states. Alongside remaining intergovernmental conventions, these now involved ‘common positions’,¹⁰⁷ ‘framework decisions’,¹⁰⁸ and ‘decisions’.¹⁰⁹ Especially the latter two instruments enabled stronger cooperative police opportunities at the EU-wide level, as they entailed stronger obligation for member states to comply with their commitments in this sphere. As a result of the Union's new extended rights to legislate on third pillar matters, the post-

¹⁰⁷ Common position defines the Union's common approach to a particular matter of a EU-wide concern. In practice, the instrument of common positions was mainly used to establish the EU's negotiating positions at international conferences (Peers 2011: 28).

¹⁰⁸ Framework decisions entail approximation of criminal justice laws and regulations of the member states, particularly with regard to a more effective fight against organized crime. For example, framework decisions can require member states to criminalize and penalize respective criminal activities, or to specify maximum sentences for crimes. They are binding in the sense that national parliaments are obliged to transpose them into domestic legal orders, and therefore their potential for inducing change is quite high (Dalferth 2008: 32).

¹⁰⁹ Council's decisions are binding and are adopted for any other purpose, except for approximation of laws and regulations of member states. In the post-Amsterdam phase, decisions were mainly used for the establishment of European crime-fighting organizations such as CEPOL and Europol (the latter was initially created by virtue of an intergovernmental Convention, but later re-established as an EU Agency through the Council's decision).

Amsterdam period witnessed a massive increase of binding policy measures, leading to an even stronger coherence of the EU-wide approach in the law enforcement domain.¹¹⁰

Procedurally, the Amsterdam Treaty led to the stronger EU ability to cooperate on police issues through enhancing decision-making authority of the Union's supranational bodies. Thus, while in the preceding TEU the Commission was only entitled to initiate proposals regarding 'communitarian' JHA issues of migration and asylum, under Amsterdam it became closer associated with the third pillar through the new right to initiate proposals in this sphere on an equal footing with the participating member governments [ibid: Article 36(2)]. According to C. Kaunert, the result of this novelty was that in the aftermath of Amsterdam, the Commission became especially active in this area: it was regularly coming up with various JHA-related initiatives and proposals such as the European Arrest Warrant (EAW), and other measures (Peers 2006: 30). The Commission thus assumed an important role of a 'supranational policy entrepreneur' in the AFSJ: it used its authority and institutional resources to propel forward the development of a common police policy in the EU (Kaunert 2010b).¹¹¹ As regard the Parliament, if in the preceding TEU it could be only kept informed regarding developments in the third pillar, under the Amsterdam Treaty, the Parliament was endowed with the right to make recommendations to the Council as part of decision-making process on JHA (Amsterdam Treaty: Article 39).

As regards the external AFSJ dimension, the Amsterdam Treaty for the first time created a possibility for the Union to pursue its police cooperation internationally. The Treaty established an indigenous competence base for an EU-wide external action in the third pillar through empowering the Union to conclude international agreements with third states and bodies in this sphere. Legally, this was enabled by the so-called 'cross-pillar' bridge created between the second (CFSP/ESDP) pillar, under which the Union traditionally concluded most international agreements – and the third pillar covering cooperation on police matters. As provided in the Treaty (Article 3), 'agreements referred to in [the 'CFSP'] Article 24 may cover matters falling under this ['JHA'] Title'. This implied that the traditional external treaty-making competence of

¹¹⁰ The annual growth of the EU's *acquis communautaire* in the third pillar domain was an average 22 measures per year before the Treaty of Amsterdam and almost 70 between 1999 and 2002 (Dalferth 2008: 32). Even though most legal measures adopted in the post-Amsterdam period in the third pillar were mainly concerned with the approximation of national criminal justice systems (e.g., the introduction of common standards for penalizing cross-border crime), they also had a positive effect on the practical side of European police cooperation and the overall law enforcement culture in Europe (Peers 2006: 31-37).

¹¹¹ The post-Amsterdam period witnessed a considerable expansion of the Commission's activities – first of all through its 'Task Force for Justice and Home Affairs' that was made competent for handling matters related to the EU-wide police cooperation. After 1999, this Commission's Task Force was transformed into the whole 'Directorate General for Justice, Freedom and Security', which was especially active in promoting more integrated model of internal security in the Union.

the second (CFSP) pillar (Article 24) was now also applied in the third (criminal justice) pillar domain (Article 38). In other words, the Union was enabled to use the legal regime of the 'CFSP pillar' to conclude agreements with the overseas partners on police-related issues.¹¹² The significance of the above-mentioned modification went beyond its legal aspect *par excellence*. As Cremona (2008) argues, as a result of combination of Articles 24 and 38, the international 'third pillar agreements' that the Union was now entitled to conclude under the new treaty-making regime became subject to the overarching political objectives *sui generis* of the second pillar such as CFSP or enlargement policies.¹¹³ As a result of this alteration, the post-Amsterdam period (*i.e.* since 1999) witnesses a far more active development of the Union's capacity to act internationally on police matters.

To summarize, the Amsterdam Treaty made important strides forward in the process of institutionalization of the European police system. This occurred first of all through substantive alterations, including changing normative rationale for the EU's activities in the AFSJ: collaboration on JHA and police matters now became a free-standing and independent objective in itself, enabling more effective concerted EU action in this sphere. The merging of Schengen rules and institutions with those of the EU also allowed the expansion of the broader EU's scope of rules of cooperation in the respective domain. In addition, the scope of the EU's competence was now expanded in the third pillar through the possibility for the Union to adopt new legal instruments with a facilitating effect on the collective activities in the field. The procedural shift in balance among the EU's bodies in favour of supranational ones also permitted for the stronger cooperative law enforcement opportunities for the Union. Finally, on the external front, the EU's cooperative police opportunities were strengthened through the legal right for the EU to conclude international treaties on police matters. Given the prevailing intergovernmentalism in the AFSJ, the afore-described institutional changes corresponded mainly to the second institutionalization stage as defined by M. Smith. However, the difference from the Maastricht phase was that the overall balance was now increasingly in favour of the supranational approach. As this policy realm does not present any linear development pattern (Dalferth 2008: 10), the Amsterdam treaty reforms also

¹¹² An example of such 'cross-pillar' (*i.e.*, falling simultaneously under the realm of both second and third pillars) agreement that the EU concluded post-Amsterdam was the 2003 Agreement on Mutual Legal Assistance between the European Union and the United States of America.

¹¹³ Since there was no explicit provision in the Amsterdam Treaty granting legal personality to the European Union, it was debated whether the Union as such (and not member states) could conclude international agreements on third pillar matters. However, since both the second and the third pillar provided the Union with instruments to conclude agreements, it was suggested that the EU *de facto* had a legal personality to enter into contractual relations on respective issues with the outside partners. The existence of the EU's competence was subsequently accepted by most experts in the EU's external relations law (Wessel, Marin, and Matera 2011: 289-290).

advanced the third (creation of shared standards of behaviour based on common interests) and partly fourth stages of institutionalization of police system in the EU.

2.1.4. Tampere European Council: Expanding Strategic Horizons for European Policing

If the Maastricht period were characterized by a slow and piecemeal integration in the JHA field, the Amsterdam Treaty set the process of institutional development of European law enforcement onto a faster track. Together with the Treaty, the multi-annual planning programme adopted at the European Council in Tampere¹¹⁴ (the Tampere Programme; covering 1999-2004 period) had a strong stimulating effect on the institutionalization of the EU's police system in the 2000s. Unlike the constitutional EU treaties, the Programme did not interfere with the formal governance structure in the JHA sphere. Instead, this policy document contained important politico-strategic guidelines leading to an 'altered problem definition' in the AFSJ domain (or 'informal substantial institutionalization'). By introducing a broad list of overarching aspirational objectives for the European law enforcement, the Programme provided a practical impetus to policy priorities agreed in Amsterdam and advanced more concerted Union's police action. In the words of C. Kaunert, the Programme signified a 'normative shift away from a full preservation of national sovereignty towards partial pooling of national sovereignty with limited mandates and weak institutional instruments and structures' (Kaunert 2005: 469). In line with Smith's classification, the document's adoption marked predominantly a third stage of institutionalization of the European police system (i.e., creation of norms or shared standards of behavior based on common interests) and also a full-fledged transition to the fourth, or 'organizational' stage of institutionalization process, as its eventual effect was increased organizational centralization of European police system and establishment of a new tangible crime-fighting infrastructure.

The following innovations in the Programme led to the institutional rationalization of the EU's police model. The emphasis in this programmatic document was clearly on the collective approach in the field: as spelled out in the Programme, the objective was to implement an 'efficient and comprehensive approach in the fight against all forms of crime' (European Council 1999). In substantive terms, the implementation of this collective approach required such measures as strengthening the network of competent national authorities for crime prevention and

¹¹⁴ The Tampere European Council in October 1999 was the first high-level political summit in the EU history dedicated exclusively to developing 'the Union as an area of freedom, security and justice by making full use of the possibilities offered by the Treaty of Amsterdam' (European Council 1999).

improvement of joint interaction between national crime prevention organisations. In order to implement these priorities, the Programme proposed to develop an instrument of JITs with a view to facilitating cross-border policing in Europe. The Programme also contained a proposal to strengthen the infrastructural dimension of European law enforcement, e.g., through bolstering the already existing institutional arrangements such as Europol, and also by establishing new facilities: the European Police College and the Operational Task Force of European Police Chiefs. While the former was intended to act as a EU-wide training forum for senior law enforcement officials from national police institutions, the latter, according to the Programme, was intended to contribute to the strategic planning of operative police activities, and also assist in the exchange of experience, best practices, and information on the current trends in transfrontier crime (ibid).

As regards the international dimension of European policing, the Tampere Council emphasized that the ED-JHA/AFSJ should become a more coherent and strategically-led policy area in the future. The Programme did not, however, contain any detailed recommendations concerning the proclaimed objective. Instead, the Programme simply called for ‘[...] all competences and instruments at the disposal of the Union, and specifically in external relations *[to]* be used in an integrated and consistent way to build the area of freedom, security and justice’ (European Council 1999). The document further recommended that ‘Justice and Home Affairs concerns must be integrated in the definition and implementation of other Union policies and activities’ (ibid). Concerning the geographical area of the external Union's JHA and law enforcement activities, the Programme attached particular importance to developing regional co-operation in the countries bordering on the Union, and especially in the Balkan region (ibid).

Despite its declarative nature, the Tampere Programme eventually had a strong formative effect on the institutional evolution of European policing system, with the resultant intensification of operational cross-border police work within the Union. In the 1999-2005 period, as a result of the Programme's adoption, new JHA agencies were established, including CEPOL, the European Police Chiefs Task Force, and the European Crime Prevention Network. This was accompanied by the strengthened mandate and institutional capabilities of Europol. A new important instrument of JITs was created (by virtue of 2002 framework decision on JITs), and other anti-crime instruments were adopted to facilitate the pragmatic side of police activities in Europe.¹¹⁵ The Programme thus marked a full-fledged transition towards the fourth stage of institutional evolution of European police system (creation of permanent organizations). The external side of European policing also

¹¹⁵ E.g., the framework decision on simplifying the exchange of information and intelligence between law enforcement authorities of the member states (April 2004).

received a boost through the Programme. As a combined effect of the Amsterdam Treaty reforms and the Tampere declaration, since the late 1990s, a considerable geographical expansion of a foreign policy dimension of European police cooperation took place, with international anti-crime cooperation turning into one of the most dynamic and rapidly evolving segments of the Union's foreign relations (Lavenex 2005: 129). In words of J. Occhipinti (2003: 86), the Tampere European Council contributed to creating a new form of police collaboration in the Union that contrasted sharply with past (i.e., predominantly intergovernmental) models and 'marked the start of accelerated progress in the area' that lasted well into the mid-2000s.

2.1.5. The Hague Programme: Further Expansion of Normative Framework for the EU-wide Law Enforcement

Since the mid-2000s, the institutional development of the EU's police model advanced through the adoption of the successive multi-annual Programme for AFSJ action, The Hague Programme. Adopted by the European Council in November 2004, the Programme endorsed commitments made previously by member governments in Tampere and laid down the modalities for common European activities in the field until the end of 2009. With its detailed Plan of Action, the document became, according to analysts, a 'major stimulus' for the policy of the EU concerning the form of police interaction in the 2000s (Fijnaut 2006: 246). Similar to its Tampere predecessor, The Hague Programme entailed changes mainly in informal substantial dimension (i.e., the 'altered problem definition') of police policy, corresponded thereby, according to Smith's classification, mainly to the third stage of institutionalization process.

In contrast to the Tampere declaration, The Hague Programme did not contain any significant proposals with regard to creating novel institutional arrangements for EU-wide collaboration in the law enforcement sphere, as major institutional infrastructure was by that time already set up. Yet, the document contained proposals of substance with regard to improving practical cooperative modalities in the law enforcement sphere within the Union, including more effective implementation of measures already achieved. A central element in the Programme consisted of improving the mutual flow of information across Europe on the qualitatively new basis of the so-called 'availability principle' (European Council 2005). This implied that police agency in one member state would be granted (as of January 2008) free and timely access to the investigation-sensitive information of another EU state upon official request, in connection with an on-going criminal investigation. In order to implement this principle, the Programme proposed

to improve the interoperability of national databases of member states through the application of 'common standards for access to the data and common technical standards' (ibid).

In addition, the Programme asked European governments to ensure better provision of informational support and assistance to Europol and to make expanded use of JITs, *inter alia*, through designating national experts for such teams. Europol was encouraged to contribute to 'implementing methodology for intelligence-led law enforcement at EU level': as of 2006, it was required to release yearly methodologically advanced 'threat assessments' on serious and organized crime (which the Council uses for strategic priorities-setting in the AFSJ). The Programme also insisted that Europol would become a central EU office for fighting Euro counterfeits. Enhanced cooperation on police training was another important element of the Programme. In order to promote 'mutual trust and confidence-building' in police in the area, member states were asked to develop by the end of 2005, in cooperation with the Council and CEPOL, professional 'standards and modules for training courses for national police officers with regard to practical police cooperation' and to devise the systematic exchange programmes for police authorities (ibid).

As concerns external dimension, even though The Hague Programme confirmed the overall strategic importance of developing the external dimension of European internal security, little attention was devoted in this document to international policing as such. In this sense, the Programme was intended to act as simply a transitory solution until the adoption of a more detailed and targeted policy document in the area. As part of implementing this objective, the Programme called upon the Commission and the Secretary-General/High Representative to present by the end of 2005 a separate strategy 'covering all external aspects of the Union's policy on freedom, security and justice' that would 'reflect the Union's special relations with third countries, groups of countries and regions, and focus on the specific needs for JHA cooperation with them' (ibid).

To summarize, despite its non-binding nature and declarative content, The Hague Programme led to a stronger institutionalization of European police system through the expansion of norms and rules of cooperation in this area. Since most essential infrastructure in the third pillar area was already set up (such as CEPOL) or strengthened (such as Europol) in the early 2000s, the document had a stimulating effect mainly on the operational dimension of the Union-wide police activities. Since information is a 'glue' of international law enforcement, the 'principle of availability' was the biggest achievement of the Programme: its introduction led to the expansion

of the exchange of investigation-sensitive information among national police authorities in Europe in the post-2005 sub-period, as well as to a more concerted EU-wide action in the whole AFSJ area (Fijnaut 2006: 246).

2.1.6. The 2005 Strategy for External Dimension of JHA: Reinforcing International Dimension of European Policing

Since the mid-2000s, the development of external dimension of European police activities received further boost with adoption at the European Council in December 2005 of the ‘Strategy for the External Dimension of JHA: Global Freedom, Security and Justice’ (Council of the European Union 2005a). The Strategy became the first policy document adopted at the Union's level dealing exclusively with the ED-JHA/AFSJ. Unlike previous policy declarations – the Tampere and The Hague programmes, which both lacked clear priorities in this sphere – the Strategy not simply called for ‘mainstreaming’ internal security into the external EU's policies, but called for making this policy-area the EU's foreign policy objective by itself (Wolff 2012a: 61). Therefore, even though the Strategy did not bring about an expansion of the Union's formal competence over international police collaboration, nor any related procedural changes, its adoption was an important step towards ‘codification’ of a general norm of the Union-wide activities in this area (‘informal substantial institutionalization’). The institutional change that occurred with the Strategy’s adoption also mainly corresponded to the third stage of institutionalization process.

The Strategy endorsed a very ambitious agenda regarding the development of the EU-wide international police interaction. In the Strategy, collaboration on internal security matters was for the first time elevated to the level of ‘central priority’ in the Union's foreign relations. Thus, the document affirmed the need to make the Union's JHA activities more globally-oriented. Furthermore, the document emphasized the interests of the Union as a whole rather than of individual priorities of its member states as far as the ED-AFSJ’s construction was concerned. Given that only a year ago in The Hague the objectives of the ED-JHA were established as merely complementary to the unilateral member states’ actions in this field,¹¹⁶ the intention behind the Strategy was clearly to bring more ‘collective weight’ into this policy sphere.

¹¹⁶ As stated in The Hague Program, the external JHA and security cooperation of the EU should bring ‘value added in relation to projects carried out by the Member States’ (European Council 2005).

Another innovative aspect of the Strategy related to endorsement of a comprehensive and cross-pillar approach concerning developing of the external side of the EU's internal security. Thus, the Strategy proposed to combine traditional foreign policy instruments that the Union uses in the third countries to address weak governance, state failure, and 'the vicious cycle of conflict, poverty and instability' – with the relevant JHA (and law enforcement) tools 'to deliver a tailored and coherent response' (Council of the European Union 2005a).¹¹⁷ In connection to this, the document emphasized strong complementarity both between the AFSJ/JHA and the CFSP goals ('the objectives of the area of freedom, security and justice [*should be*] coherent with and contribute to the goals of the European Security Strategy'), and also between the external JHA cooperation and parallel actions in the realm of economic and development policies ('effective co-operation with third countries on JHA issues also supports the EU's economic and trade objectives, by providing a political and legal environment conducive to economic development and the development of international commercial links' (ibid).

In other words, the Strategy advocated a new norm of collaboration in the area whereby the external law enforcement practices of the EU should be inspired by its overarching foreign policy aspirations, or 'milieu-type goals', as Keukeleire and MacNaughtan (2008: 21-22) put it. Pursuant to the document, the outward-oriented EU's security activities should not only address organized crime 'in a functional manner', but target the *background conditions* of societal insecurities in the third countries as conditions facilitative of crime. In order to implement these policy goals, the document attached prominent role to the EU-wide international capacity-building efforts that were to be achieved through law enforcement means: the 'EU police [...] expertise is essential to the rebuilding and transformation of weak law enforcement institutions and court systems [*in the third countries*]' (ibid).

Finally, the Strategy for the first time introduced a detailed geographical prioritization of the list of third partners to which the afore-mentioned political principles of external JHA collaboration applied. The prospective candidates for cooperation were arranged in the document according to the existing hierarchy of the EU's foreign policy priorities. Specifically, the following third countries and regional groupings were designated as priority candidates for cooperation with the Union on internal security matters: 'enlargement candidates and those with a European perspective', countries covered by the ENP, the United States (within the framework of transatlantic dialogue), and, finally, 'Russia within the framework of a Common Space of

¹¹⁷ In this sense, the 2005 ED-JHA Strategy reiterated the concepts and provisions of the European Security Strategy adopted in 2003 (Council of the European Union 2009c).

Freedom, Security and Justice'. Importantly, the practical content of cooperative relations with the afore-mentioned overseas partners in JHA domain, including concrete instruments for cooperation, should be, pursuant to the Strategy, defined by 'the nature of *[political]* relationship of the EU to the country or region in question'. For instance, in the context of cooperation with countries 'seeking closer partnership with the Union' (i.e., enlargement candidates), collaboration on JHA issues should be more comprehensive and must encompass a broader range of issues and instruments than with the countries and regions that are less politically and strategically important for the Union (such as, for example, Latin America) (ibid).

In summary, the Strategy entailed a further substantial (informal) institutional change in the collective norm of international police cooperation of the Union through establishing close relationship between its global political aspirations and its practical cooperative law enforcement agenda. As explicitly stated in the Strategy, *the nature of political relationship [italics are mine]* between these partners and the Union will be 'positively affected by their level of co-operation *[in the JHA domain]*' (ibid). The document promoted a distinctly political agenda for the development of the Union's international law enforcement activities, whereby policing was intended not only to serve as a functional tool for fighting security threats, but also to strengthen the political potential of the Union's relationship with international partners.

2.1.7. The 'Reform Treaty' and the Stockholm Programme: Towards Supranational 'Governance' in the AFSJ

In the late 2000s, two significant events took place leading to the substantial institutional development of the EU's police model. The first was signing by EU heads of states and governments of the Lisbon Treaty (signed in December 2007 and entered into force in December 2011) and the consecutive adoption at the December 2009 European Council in Stockholm of the next multi-annual planning programme on JHA (the Stockholm Programme). In particular, the Lisbon Treaty had a profound reinforcing effect on the evolution of the Union-wide police system. One of main reason for the Lisbon Treaty's adoption was the need to remedy institutional deficiencies of the previous TEU (Amsterdam Treaty), which became apparent only some years after the latter's functioning, such as the inefficient policy-making regime of the third pillar.¹¹⁸ One of the new Treaty's immediate goals, as stated in its preamble, was to 'improve coherence of

¹¹⁸ Specifically, the prevailing unanimity rule in the Council was a cause of significant delays in its operation, while insufficient 'hardness' of the third pillar's legal instruments resulted in their delayed implementation at the national level (Landenburger 2008: 21).

[the EU's] action' in the AFSJ (Treaty of Lisbon). In order to accomplish this objective, the Treaty instituted both substantive formal change of guiding principles of JHA (the expansion of collective goals of collaboration), as well as formal change in the procedural dimension related to enhancement of responsibilities of the Union's supranational bodies in this policy area.

The most important substantial innovation of the Treaty was a further change of the underlying norm of police cooperation from intergovernmentalism to supranationalism. Specifically, under the Treaty, police cooperation became even closer linked to the general European interest. This was made through the following provision: '*The Union [italics are mine]* shall establish police cooperation involving all the member-states' competent authorities, including police [...] and other specialized law enforcement services in relation to the prevention, detection and investigation of criminal offences' (ibid: Article 69F). With this provision, the whole AFSJ moved towards becoming a central area of EU competence. This important transformation, in other words, marked further departure from intergovernmentalism as an underlying rule of JHA cooperation towards the culminating fifth stage of institutionalization process, or 'governance', which implies 'the authority to make, implement and enforce rules in a specified domain' and at which cooperation is started to be gradually perceived by actors as a 'unified whole' (Smith, M. 2004: 40-47).

The introduction of a new constitutional base for the EU was part of this substantive policy change with an overall centralizing impact on the European police system. Under the Treaty, the pillar divide characteristic of the pre-Lisbon TEU structure was abolished and the third pillar was 'communitarized',¹¹⁹ becoming equal in its constitutional status with the rest of 'communitarian' (first pillar) policies. This had important centralizing effect on the EU-wide law enforcement, since the 'communitarian' legal instruments of the former first pillar (i.e., regulations, directives, decisions) were from now on to be applied also in the area of criminal justice, leading to expansion of the Union's legal mandate in the area.¹²⁰ As the Union was now empowered to adopt more binding policy measures in the AFSJ (and the Commission was empowered to monitor the transposition and implementation of the commonly-agreed measures by the member states¹²¹), this had positive centralizing implications also for police interaction.

¹¹⁹ Full communitarization of the former third pillar occurred only within five years since the Treaty's adoption, completing thereby by 1st December 2014 (Wolff 2012b: 67).

¹²⁰ Accordingly, this entailed abolition of the former legal instruments of the third pillar such as conventions and framework decisions.

¹²¹ Previously, the Commission had no adequate tools for controlling the correct implementation of the legal instruments of the third pillar, because of which the development of European criminal justice culture in the pre-Lisbon period proceeded slowly (Landenburger 2008: 22, 30). This was due to the slow pace of transposition of the

On the procedural side, the Treaty profoundly reshaped inter-institutional balance in favour of the supranational EU's bodies. The Treaty enabled greater involvement of the European Parliament into coordination of common police activities: the Parliament now became closer associated with decision-making regarding common non-operational police action (Treaty of Lisbon: Article 69F). All relevant decisions in this area were from now on to be taken by the Council (acting by qualified majority voting (QMV), and not unanimously as before) together with the Parliament (co-decision), and based on the Commission's proposal. For example, Europol's structure, operation, field of action, and tasks became from now on subject to the co-decision procedure of the Council and the Parliament, including 'the collection, storage, processing, analysis and exchange of information', and 'the coordination, organisation and implementation of investigative and operational action carried out jointly with the member states' competent authorities or in the context of joint investigative teams' (ibid: Article 69G).¹²² The Treaty also entailed a partial abnegation of national sovereignty principle in the area of operational police activities (e.g., 'hot pursuit'). While this form of cooperation remained predominantly, as before, within the province of national competence (subject to unanimity in the Council), the Treaty nonetheless provided also for a certain centralization of this area as it ensured that the Council could now make its decisions regarding relevant matters only after having consulted the Parliament.

Furthermore, the EU's indigenous competence in the cooperative law enforcement domain increased as a result of procedural change entailing the enhancement of institutional profile of the European Commission. While previously the Commission could initiate and table legislative proposals regarding police-related issues together with individual member states acting alone, now it could do so with at least a quarter of member states (Treaty of Lisbon: Article 61I). This measure obviously had an overall consolidating impact on the collective system of law enforcement within the Union. According to C. Ladenburger, the abolition of unilateral member state's initiatives limited the number of proposals that risked being focused on national interests,

'old' third pillar instruments (i.e., instruments of the Amsterdam Treaty) into national legal systems, much because they were not sufficiently 'binding' and the Commission had no credible tools in possession to control their implementation at the national level (ibid: 22). After Lisbon, however, 'the application of EU legal instruments and mechanisms has become the norm, and the legislative procedures have become more homogenous throughout' (Kaunert 2010a: 215). In other words, the 'Reform Treaty' improved the chances for faster transposition of police-related measures nationally thereby opening up extended possibility for more concerted EU activities in the field of police cooperation.

¹²² Also, the following non-operational police activities now belonged to the Council's and the Parliament's common jurisdiction: (a) the collection, storage, processing, analysis and exchange of information; (b) cooperation on the training and exchange of staff and equipment; (c) common investigative techniques in relation to the detection of organized crime (Treaty of Lisbon: Article 69F).

especially because member states now had not only to agree on an initiative, but also to defend it together during the relevant procedure (Ladenburger 2008: 31). The enhancement of the Commission's authority over police-related matters constituted a step forward in the direction of a more concerted position of the Union in the internal security area.

The AFSJ's institutional development was also stimulated through the establishment of new organizational bodies such as the Standing Committee on Operational Cooperation on Internal Security (COSI) with a mandate to improve the coherence of the Union's approach regarding internal security and ensure better operational planning in this sphere. The COSI gathered under a single roof all main actors in the European security field, including senior officials from national interior ministries represented in the Council work groups, officials from the EU security agencies (Europol, Frontex, Eurojust), representatives of the European Commission, and the European External Action Service (EEAS). The COSI had no legislative responsibility. Instead, its mandate involved ensuring that 'operational cooperation on internal security is promoted and strengthened within the Union' (Treaty of Lisbon: Article 61D). The COSI, in other words, was made both strategically and operationally responsible for the whole area of European internal security and in the forthcoming years it worked towards establishing a more interdisciplinary and integrated approach in this area (Council of the European Union 2011d).

As regards external dimension of internal security, the Treaty introduced several modifications leading to the enhanced complementarity and coherence between the CFSP and the AFSJ. At the substantial front, extra opportunities for the rapprochement between functional police cooperation and the EU's foreign policy arose from the introduction of a single legal persona for the Union (Treaty of Lisbon: Article 47), and from the establishment of a unified treaty-making procedure (ibid: Article 218). As noted above, the Treaty abolished the old 'pillar divide' and merged the third pillar with other pillars, leading thereby to creation of the European Union as a new, single international entity. This reform put an end to the so-called 'inter-pillar agreements' that in the pre-Lisbon period had to be coordinated across the EC and the EU indigenous legal orders, producing legal uncertainties for both the Union and its external partners (Monar 2010: 32). Now, following 'communitarization' of the third pillar, the hitherto existing distinction between the agreements concluded under the 'communitarian' (pre-Lisbon) first pillar and the respective agreements falling under the third pillar's competence disappeared, and the Union's chances to act internationally in the sphere of internal security with greater legal coherence improved (ibid).

A more integrative approach regarding international policing also emerged from the procedural alterations, or the increased involvement of the Union's supranational bodies in decision-making in the AFSJ. While in the pre-Lisbon period the Council was a chief policy-maker in the area of international EU cooperation on internal security issues, now, pursuant to the Treaty, the consent of the Parliament to negotiate over respective policy issues was additionally required. This innovation opened better chances for coordination of interests of the Union's institutions and, hence, more unified action in this policy domain. An additional possibility for more concerted action in the area of external police collaboration arose from the QMV's introduction into the decision-making system on respective matters. Pursuant to the Treaty [Article 218(8)], the Council was entitled to conclude international agreements on AFSJ matters by QMV (and not by unanimity as before),¹²³ which allowed for more rapid and effective conclusion of agreements on sensitive police issues and, overall, for making the future Union's external efforts regarding law enforcement potentially more streamlined and coordinated.

Finally, the creation of EEAS also improved possibilities for developing synergies between the EU's foreign policy and internal security branches. The EEAS was designed as an institution gathering into one single diplomatic corps representatives of European Commission, General Secretariat of the Council and officials from the national diplomatic services of the member states. It was endowed with a wide mandate to ensure coordination of the EU's and member states' foreign relations policies (Ramses, *et al.* 2011: 298). As part of its comprehensive mandate, the EEAS was additionally tasked, in close cooperation with the Council and with the EU High Representative for Foreign Affairs and Security Policy, to look at ways to improve the Union-wide collaboration in the area of internal security (Wolff and Mounier 2011: 247). In particular, aside from its general mandate over CFSP matters, the EEAS was mandated to ensure coordination of the EU-wide efforts against drugs and to cooperate in the implementation of the EU's common security approach with Europol and CEPOL.

In sum, modifications introduced by the Reform Treaty entailed a considerable institutionalization of the European police system. Under the Treaty, the positions of supranational Union's bodies (especially in non-operational) law enforcement domain were strengthened and new permanent organizations were brought into the process marking the full-fledged mature (fourth, or 'organizational') stage of institutionalization. The codification of norms in the area also continued with the introduction of a single set of legislative instruments in this area. These

¹²³ Except for contractual agreements with the accession candidates where unanimity rule retained as previously.

alterations were clearly indicative of a ‘positive integration’ in internal security domain, implying ‘the replacement of domestic policies by common European positions’ and the JHA ‘harmonization on the basis of a common European rule’ (Bossong and Lavenex 2016: 93). The afore-mentioned institutional innovations set collaboration on internal security matters on a far more supranational track than before, signifying a gradual transition towards the fifth, or ‘governance’, phase of European police cooperation. According to C. Kaunert, the Lisbon Treaty constituted a ‘big leap forward towards communitarization, i.e., the full transfer of the competencies to the Union level, for the area of [...] policing’ (Kaunert 2010a: 184).

While the Lisbon Treaty reforms mainly concerned overarching substantial and procedural alteration of police system within the EU, the intention behind the multiannual Stockholm programme was to further delineate the norms of EU-wide collaboration on internal security matters (‘informal substantial institutionalization’). Covering the period of 2010-2014, the Programme aimed at implementing an ‘integrated approach’ to security within the Union (European Council 2009). However (especially when compared to a much more ambitious Tampere agenda), the Programme reflected an overall lack of ambition and novelty of content (Archer 2009: 4). The actual aspiration behind the Programme was to more efficiently exploit the already existing avenues for cooperation.

Specifically, in order to implement ‘more effective European law enforcement cooperation’, the Programme called to step up operational law enforcement among the member states, to further increase their use of JITs, and to step up national cooperation with Europol. The promotion of the so-called Joint Police and Customs Centres (JPCC) was another measure intended to improve the pragmatic dimension of trans-EU policing. Additional potential measures intended to expand and upgrade the EU-wide dimension of law enforcement at the pragmatic level included, *inter alia*, the development of the European Training Schemes with a view to enhancing the ‘European dimension in training’, and introduction of a Police Cooperation Code intended to consolidate all instruments governing police practices across the EU and to simplify them (European Council 2009).

As regards the external dimension, the Programme put forward a principle of the EU having a ‘single external relations policy’ that would also encompass the Union’s internal security activities. This principle required to ensure better consistency both of member states’ individual activities in the law enforcement domain, and to ensure stronger complementarities between the Union’s general foreign policy and AFSJ. Thus, in order to make the ‘organised framework policy’

a reality, in the years to come, the Programme proposed, given the already existing linkages between the Union's CSDP and the AFSJ, to establish and encourage greater dialogue between these two policy domains with respect to anti-organized crime collaboration. Furthermore, the document insisted on the need to ensure complementarity between the political and operational levels of activities the ED-AFSJ. A recommendation was put forward in the Programme that priorities in the EU's external relations should inform and guide the work of European police agencies such as Europol and CEPOL. Finally, the Programme further expanded the geographical coverage of the Union's international law enforcement policies by recommending to advance cooperative dialogue on police-related matters with such countries and regions as the Caribbean, Latin America, China, and India, West Africa, Central Asia, Afghanistan, and Iraq (ibid).

To summarize, in the period between the establishment of the TREVI Group in 1975 and up until the adoption of the Stockholm Programme in late 2009, there were at least six major occasions of progressive institutional change within the European system of internal security, with each institutionalization phase contributing to the expansion of cooperative opportunities in this policy field. Starting with the limited cooperation efforts under the TREVI's intergovernmental umbrella (first stage of institutionalization process), the Union further embarked on the formalization of its competence in the field, as evident from the evolution of constitutional treaties and major programmatic documents in the AFSJ. While the evolution of JHA/AFSJ in the 1990s proceeded relatively slowly, and institutionalization dynamics in the 1990s mainly corresponded to the second and third phases of Smith's historical institutionalization scheme, institutionalization process accelerated in the first decade of the new millennium. It is after the entry into force of the Treaty of Amsterdam and the adoption of 'Tampere Milestones', that new norms regarding policing were developed, a new organizational infrastructure in the field was established, and existing collaboration mechanisms were deepened (third and fourth stages of institutionalization). Both the Lisbon Treaty and the Stockholm Programme made a gradual transition to a fifth ('governance') phase of institutional development as they subjected EU-wide police activities to an even stronger supranational regulation than ever before. Having provided an overview of general institutional evolution the area, the next section turns to the systems of pragmatic police interaction in the EU.

2.2. Systems of Practical Police Cooperation in the EU

If the EU was relatively successful in establishing and strengthening a common framework for the concerted international police action at the macro-level, with the 2000s becoming a period of especially-rapid integration dynamics in this sphere, integration (and hence expansion of cooperative possibilities) of European law enforcement at the meso- and micro-levels was not as fast. For a long time, the domain of practical police interaction in the Union, which is sometimes described as a ‘crowded policy space’ (Hebenton and Thomas 1995: 38), remained characterized by the ‘intensive transgovernmentalism’ and ‘horizontal networking’ with groups of law enforcement officials established on the basis of similar functions, tasks and levels of seniority, and cooperating with each other directly (Lavenex and Wichmann 2010: 86). These networks ranged from relatively formalized and stable arrangements intended to coordinate anti-crime cooperation among middle-ranking officers at the meso-level – to numerous semi-formal and informal mechanisms and strategies facilitating collaboration over specific criminal offences among lower-ranking police officials at the micro-level. Nonetheless, with informality and bilateralism retaining as core principles of the pragmatic cross-border law enforcement in the Europe, since the 1990s, attempts were made to coordinate these practices also at the EU-wide level. In particular, some operational police practices were formalized through instruments that have a base in the EU’s secondary law – (the pre-Lisbon) Council’s decisions and framework decisions. The most prominent systems of trans-frontier practical police interaction in the EU that were institutionalized in the mentioned period – and which are considered in the sections below – are Europol, CEPOL, and operational policing tools, *inter alia*, those of Schengen.

2.2.1. European Police Office

Among meso-level systems of practical police interaction in the EU, Europol, which in the considered period existed under the title ‘European Police Office’, occupied a frontline position from the very beginning: in the words of M. Anderson *et al* (1995: 251), Europol was established as the ‘most ambitious framework for European police cooperation’. This central position of Europol in the ‘European internal security continuum’ (Boer, den 1993) is explained first and foremost by a continuous expansion of its professional expertise. The latter initially spanned a relatively narrow spectrum of activities such as traditional criminal intelligence analysis – to later embrace a direct coordination of national cross-border crime investigations. In the 2000s and later,

the principal mission of Europol, as stated at its official web-page, was to ‘identify and track the most dangerous criminal and terrorist networks in Europe’.¹²⁴

Both institutional and professional evolution of Europol was a complex and protracted process. On the one hand, Europol emerged in response to the pragmatic requirements of combating trans-frontier crime: its establishment in the 1990s was an immediate consequence of the ‘permanent security deficit’ (Hebenton and Thomas 1995: 135) associated with the growth of organized crime in Europe. The task of pragmatic crime-combat was originally at the core of Europol's mandate: as stated in its original founding document, the 1995 Convention, Europol's aim is to ‘improve [...] cooperation among competent authorities in the EU member states in combating [...] serious forms of international crime where [...] an organized criminal structures is involved and two or more member states are affected [...]’ (Europol Convention). At the same time, larger political imperatives were certainly crucial to the Agency's institutional and competence evolution. AFSJ scholars understand Europol not only as a specialized ‘functional’ crime-fighting agency, but also as a political by-product of the European integration process. Historically, in M. den Boer's opinion, Europol's institutional career can be explained by just the same factors that propelled forward the evolutionary track of European integration (I4; also Occhipinti 2003); whereas, according to J. Casey (2010: 153), Europol has been a deliberate legal construction of the EU. Other researchers, in their turn, propose to analyse Europol's development as a combination of multiple factors, including ‘functional impetus’ (organized crime), ‘unionist impetus’ (i.e., a political wish to construct federal structures to promote EU), and the so-called ‘mutual interest impetus’ (or the specialist practitioner demands related to gradual professionalization of policing and growth of ‘bureaucratic autonomy’ of European police organizations) (Benyon 1994).

Organizationally, Europol went a protracted way from a loosely-structured, semi-informal network of police practitioners investigating minor cross-border delinquencies – towards an indigenous ‘EU Police Agency’ with a broad professional mandate of counteracting major organized crime in Europe. The idea of a pan-European association of law enforcement officials acting as a clearing house for information and support to nationally-organized criminal investigations was under discussion in the European police circles already during the 1970s (Block 2011b: 64), and the above-discussed TREVI Group was a first stepping stone towards Europol in its contemporary version. Since the late 1980s, and especially in the early 1990s, the establishment

¹²⁴ <https://www.europol.europa.eu/about-europol>. Accessed on 7 July 2018.

of the Single Market and the Schengen border-free zone in the EC/EU became key stimuli for the establishment of Europol as an indigenous Community/Union's body with the mandate to counter trans-frontier criminality. At that time, and as mentioned earlier, there was a wide perception both in the political and public circles in Europe that the dismantling of internal frontier controls would cause an upsurge in international crime in Europe (Anderson, *et al* 1995), necessitating thereby a separate institution with a competence to meet this challenge. Even though this expectation was never confirmed by a reliable statistical evidence (Boer, den 1994: 185), the prospect itself presented an opportune moment for Germany, the traditional advocate of federalist tendencies in European policing, to table (at the 1991 European Council in Luxembourg) the idea of an American 'FBI-like' police organization with an independent mandate of combating illicit drug traffic. This ambitious initiative was never implemented in its original (German) version, but the watered-down version of Helmut Kohl's proposal was widely supported by the EC's member governments. The respective idea was further formalized in the constitutional framework of the Maastricht Treaty: as noted previously, the TEU called for the establishment of European Police Office in connection with the organization of a Union-wide system for information exchange.

The institutionalization of Europol as part of the EU system was initially a slow process. During the first half of the 1990s, the Agency existed and operated in a restricted format, in a sort of a legal 'grey zone', as it was lacking legal statute determining its professional remit. Due to internal disagreements, including over funding of the prospective organization, the member governments remained unsure concerning the exact scope of Europol's competence. As an interim solution towards a detailed contractual arrangement regulating Europol's scope of competence, ministerial agreement was signed (in 1993, in Copenhagen) by justice and interior ministers of the TREVI Group's member states, as a result of which Europol started its operation in the form of the so-called European Drugs Unit (EDU).

Organizationally, in many respects the EDU built upon the TREVI Group's organizational blueprint: it had similar tasks and remained institutionally detached from the formal framework of the Union (even though it was officially mentioned in the TEU's relevant provisions). The initial competence of this Europol's forerunner, pursuant to its founding agreement, consisted of information exchange among national law enforcement agencies mainly on drug-related crimes and the associated crime of money laundering (Peers 2011: 931). The EDU/Europol's mandate was in 1995 expanded to encompass trafficking in nuclear and radioactive substances, 'crimes involving clandestine immigration networks', and 'illicit vehicle trafficking'. In 1996, the EDU's thematic remit was further broadened to cover illicit cross-border human smuggling. In the early

period of EDU's operation, this Europol's 'embryo' already had an important function of intelligence analysis, hosted a network of national liaison officers exchanging information on crime issues, and its workload was increasing continuously (ibid). An important operational activity of the EDU consisted of initiating and coordinating drug controlled deliveries:¹²⁵ by late 1995, the EDU had coordinated approximately 44 operations across Europe which included several controlled deliveries of drug consignments (Santiago 2000: 24, 73; also Occhipinti 2003). At the same time, the absence of respective legal competence to collect and exchange personal information and to participate in cross-border crime investigations obstructed the EDU's activities (Occhipinti 2003: 52). Furthermore, as S. Hufnagel (2010: 185) mentions, there was also problem of practitioners' acceptance at the early stage of EDU's operation: given that at that time there were already many systems of information sharing in place, including Interpol, police officials considered the EDU to be more a bureaucratic burden than a benefit to information-sharing. By contrast, no obvious problems were experienced in relation to the network of the EDU's liaison officers. Working in the same building, they managed to establish close work relationships and were successfully exchanging information (ibid).

Whereas during the Maastricht period the EDU/Europol played quite a limited role in the system of European security, the Agency's subsequent evolution displays a marked tendency towards centralization of its institutional model and codification and expansion of its competence. In July 1995, the Convention on the Establishment of the European Police Office was signed, creating Europol and replacing the EDU. The Convention entered into force on 1st October 1998, and as of 1st July 1999 Europol commenced its operations. The Convention identified Europol as a central structure for assisting the national police of member states and outlined Europol's core principles and tasks, including: facilitating the exchange of information between the member states, obtaining and analyzing intelligence, aiding national criminal investigations, developing specialist knowledge, ensuring police training, developing crime prevention methods, and other tasks (Europol Convention: Article 3). The Convention also equipped Europol with a formal competence to perform its functions outside the EU's territory and provided key principles of Europol's action in relations with third partners. Thus, Europol received a legal personality enabling it to establish relations with third countries and third bodies and to even conclude with the third states and bodies 'the necessary confidentiality agreements [...] as well as other arrangements' (ibid: Article 26). As prescribed by the Convention, the external relations of Europol are exercised insofar as it is relevant for the performance of [*its functional*] tasks

¹²⁵ For definition of drug controlled deliveries, see section 2.2.3. of the present chapter.

described above and related to informational support of member states in their crime-fighting endeavours (ibid: Article 42).

Europol's central position in the EU-wide 'archipelago of policing' (Bigo 2008: 18) was further confirmed in the Amsterdam Treaty. The Treaty established Europol as a formal part of the third pillar and granted it a privileged position in the exchange of information between police forces of the member states [Article 30(2)].

Further institutionalization of Europol's both internal and external competence occurred at the end of the 1990s/early 2000s by virtue of several protocols to the original founding Convention. These protocols enhanced the possibilities for member states to use Europol's channels for their bilateral cooperative activities. Thus, the 2002 Protocol amending the 1995 Convention enabled Europol to participate in the support capacity in JITs (Council of the European Union 2002a). In addition, in the period between November 1998 and March 1999, the Council adopted several acts governing Europol's external relations with the third states and non-EU-related bodies (all entered into force in 1999). These acts, *inter alia*, entrusted Europol's Director with the mandate to conduct negotiations on international agreements and stipulated that an adequate level of data protection in the third country is required for Europol to conduct the transmission of external data (Council of the European Union 1998a; 1999b).

The subsequent institutional developments that took place in the late 2000s demonstrate both the expansion of Europol's professional competence and its even closer embedment in the Union's institutional and regulatory machinery. Earlier, pursuant to the 1995 Convention, all decisions concerning Europol's operation and work remit were to be made by member states through a unanimous vote in the Council of Ministers. This radically changed in 2009, when, in an attempt to make Europol more 'vertically-organized', the Decision was adopted by the Council with a view to modifying the Agency's legal base. The 2009 Decision led to Europol's stronger affiliation with the EU's institutional system: it not only transformed Europol from a functionally autonomous body into a fully-fledged 'European Police Agency' financed from the EU budget, but also made it subject to a stronger supranational regulation by the EU's bodies. Specifically, the Council's authority to decide over practicalities of Europol was broadened, and both the Commission and the Parliament received additional rights to exercise insight and control over the Agency's activities (Council of the European Union 2009b).¹²⁶ Some procedural changes were

¹²⁶ Specifically, pursuant to the Decision, the European Parliament received the right to be directly involved in the adoption of Europol's annual budget, together with the Council. Compared to previous system when the Council

introduced also with regard to the Europol's external competence: pursuant to the Decision, the list of third partners with whom Europol now might enter into contractual relations, as well the implementing rules governing Europol's relations, were to be from now on defined by Council by QMV and after consulting the European Parliament (*ibid*). The result of these modifications was that Europol's management and organizational structure became even closer entrenched within the politico-strategic matrix of the EU, in words of M. den Boer (I4).

As regards Europol's professional sphere of competence, despite it becoming over time closely affiliated with the Union's institutional system, Europol has historically been first of all a functionally-specialized police organization with a mission to promote and to assist practical law enforcement endeavours of national law enforcement agencies of the EU member states. Both in terms of its objectives and specific tasks, Europol could be compared to classical international law enforcement organizations such as Interpol, whose work is characterized by an apolitical approach and 'professional police rationality' (Block 2011b). The main mission of Europol, as was defined first in the 1995 Convention and further in the 2009 Council Decision, was to 'support and strengthen action by the member states' police authorities and other law enforcement services and their mutual cooperation in preventing and combating serious crime affecting two or more member states' (e.g., Council of the European Union 2009b). Specifically, pursuant to the Decision, the thematic scope of Europol's activities embraced over 30 offences falling under various both conventional and organized crime categories, and also included handling of rare forms of international crime.¹²⁷ Obviously, such a comprehensive list of criminal activities that Europol was entitled to handle in the end of the 2000s, points at the expansion of 'professional autonomy' and growing status within the EU, as its original mandate, as noted above, involved responsibility for only a limited number of crimes.

Europol fulfils its operational anti-crime mission by executing numerous tasks: given the breadth of its professional remit, the Agency can be compared to a 'complex multifunctional organization' (Anderson, *et al.* 1995: 66). While in the early 1990s the Agency operated mainly as a clearing house for drug-related cases, in the late 1990s/early 2000s, after the 1995 Convention's entry into force and the adoption of its various protocols, Europol's mandate expanded significantly. Under the 2009 Council's Decision, 'functional tasks' entrusted on Europol

enjoyed a total budgetary authority over Europol, based on the member states' financial contributions (under the 1995 Convention), this was a veritable transformation towards stronger supranational control over the Agency.

¹²⁷ International organized crimes that Europol is entitled to handle are unlawful drug trafficking, money-laundering, trade in nuclear and radioactive substances, illegal immigrant smuggling, and motor vehicle crime. The rare forms of crime falling under Europol's mandate are, e.g., illicit trafficking in endangered animal species, illicit trafficking in endangered plant species and varieties, and environmental crime (Council of the European Union 2009b).

included, among others: collecting, storing, processing, analyzing and exchanging information and intelligence; informing national authorities of information about criminal activities, aiding national investigations; providing intelligence and support in connection with major international events; drawing up threat assessments, and so forth (Council of the European Union 2009b). In general, in terms of its professional evolution, the Europol of the 1990s was clearly different from the Europol of the 2000s. In the 2000s, Europol was given broader objectives and more supranational elements were introduced into its governance structure, leading to a growing popularity of Europol among member states.¹²⁸

The exchange and dissemination of police intelligence and data became a principal function of Europol. At the outset, Europol was devised as the EU-wide knowledge broker and central information exchange facility for police authorities of the Union's member states. Since the 1990s, the organization has maintained the state-of-the art standardized processing system that national police authorities used for purposes of their criminal investigations (the so-called 'Analytical Work Files'). In the 2000s, many important features of Europol's information exchange system were introduced leading to the expansion of the Agency's analytical capacities. Thus, in 2005, the Europol Information System (EIS), Europol's central criminal information and intelligence database, was launched, containing information on serious and organized crime, including terrorism, suspected persons, and criminal organizations, and available for a broad range of actors in the European internal security field. In 2009, the Secure Information Exchange Network Application (SIENA) was launched, enabling the secure and swift transmission of sensitive data.¹²⁹ These information systems led to the considerable increase in exchanged information that in the late 2000s and early 2010s allowed European law enforcement authorities to carry out up to two thousands cross-border investigations annually.¹³⁰ Information sharing is key to transnational law enforcement and Europol's databases enabled effective information transmission, helping to avoid the so-called 'linkage blindness' caused by the lack of, or insufficient access, to criminal intelligence.¹³¹

¹²⁸ For example, according to data provided by E. Kirchner and J. Sperling, only in the period between 2000 and 2005, Europol's budget grew from 27,45 million euros to 65,8 million euros; the number of cases referred – from 1,922 – to 6,705; and the number of operational messages exchanged – from 9,409 – to 180,920 (Kirchner and Sperling 2007: 141).

¹²⁹ Data from Europol's webpage: <https://www.europol.europa.eu/activities-services/services-support/information-exchange/secure-information-exchange-network-application-siena>. Accessed on 13 July 2018.

¹³⁰ Data from Europol's webpage: <https://www.europol.europa.eu/content/page/about-us>. Accessed on 25 August 2014.

¹³¹ 'Linkage blindness' is one of most frequent problems that police officials encounter while investigating cross-border crime. It refers to the impossibility for police officials to obtain timely access to information due to the unwillingness (or inability) of law enforcement officials from other jurisdictions to share investigation-sensitive data with their counterparts (Sheptycky 2011b: 196).

Another important functional task with which Europol was engaged since the mid-1990s and in the 2000s became strategic intelligence analysis. Europol's analytical products represent the most publicly visible form of informational support that the Agency delivered both to the key institutions in the EU security architecture, and to the national law enforcement authorities, with a view to assisting in the operational planning of the EU-wide crime-fighting priorities. Since the mid-2000s, these products were increasingly based on the use of criminal intelligence model promoted in The Hague Programme. Already when it started functioning (from the mid-1990s), Europol started releasing periodic threat assessment reports that initially took the form of (mainly descriptive) Organized Crime Situation Reports. Since 2002, Europol released more analytically-oriented Organized Crime Threat Assessments (OCTAs). Subsequently, these were replaced by the more future-oriented (and based on a far more extensive use of criminal intelligence) Serious and Organized crime Threat Assessment (SOCTA) reports. These analytical products of Europol played crucial role in the Council's strategic planning of cooperative modalities in both the internal and external domains of the EU's police cooperation.

In 2002, Europol became competent to take part in more proactive forms of policing of serious and organized crime in the Union. Thus, by virtue of the 2002 Protocol to Europol Convention (Council of the European Union 2002a), Europol's staff was empowered to participate in the multilateral JITs organized by the police authorities of the EU member states. Pursuant to the Protocol, Europol was enabled to participate in JITs with certain limitations. Firstly, Europol officials were enabled to operate as JIT members only in a support capacity; secondly, they could act within the limits set by the law of the member states on the territory of which the operation is being carried; thirdly, they were not made eligible to take part in measures of coercive nature (*ibid*). By virtue of the same Protocol, Europol was also entitled to support coordination of investigative actions by national police authorities, e.g., by asking member states to conduct criminal investigations (*ibid*).

Finally, as far as the 'operational' side of Europol's remit is concerned, Europol was also entrusted to act as a principal support center for national anti-crime operations by providing a home base for a large number of liaison officers. Since the early 1990s, Europol became a home for national liaison officers, whose mission was to contribute to a rapid and effective information exchange and mutual operational support among the competent law enforcement authorities of participating states. The number of liaison officers in Europol grew with each EU enlargement: thus, with the 2004 expansion, ten new member states sent their liaison officers to Europol.

Overall, in the period from 2001 to 2011, the number of liaison officers stationed at Europol's headquarters in The Hague (including from the third countries) grew from 73 to 155.¹³²

2.2.2. *European Police College*

European Police College is another central institutional arrangement created at the EU level to facilitate practical police cooperation. Among systems of European 'security continuum' (Bigo 2006) established in the 1990s-2000s, CEPOL became the most intensely evolving one, with its mandate covering systematic training of senior police officials of national educational law enforcement institutions and dissemination of 'best' standards and techniques of EU-wide crime-fighting. Educational cooperation is one of 'engines' of European integration (Loik 2011: 127), and therefore through facilitating the exchange of ideas and techniques related to law enforcement among officials from the national training agencies of the EU member states, CEPOL contributed to the creation of 'epistemic community' of police experts with a 'European mentality'. As S. Karstedt argues, crime policies initially travel as ideas and concepts (Karstedt 2004: 20). In this sense, through educational cooperation and dissemination of ideas in the area of crime-fighting, CEPOL became an important contribution to the development of a common police culture at a wider Union level.

As a common European center of excellence in police training, CEPOL was set up almost a decade later by comparison to Europol. CEPOL was initially envisaged in the Conclusions of the 1999 Tampere European Council, even though the need to establish a joint training facility for European police officers was identified by many EU experts as a matter of pressing concern almost a decade earlier (Anderson 1994: 16). The idea was put forward at one of joint meetings of European police officials that some sort of an EU-wide police deontology or code of professional conduct was needed to control the manifestations of trans-frontier crime. As J. Storbeck, the EDU's former (and only) coordinator and Europol's director in the 1999-2005 period, noted, without a common denominator regarding 'the common core of tasks, skills, and issues that need to be addressed by basic, specialized, and management police training', it would have been hard to remove hindrances to the effective police cooperation within the Union (as cited in Pagon 1996). Nonetheless, it took several years for the idea of a common police training facility to take a concrete shape, and in 2000, pursuant to the EU Council decision, CEPOL was finally set up (Council of the European Union 2000a). In the beginning, pursuant to the Council's decision,

¹³² Data from Europol's webpage: <https://www.europol.europa.eu/about-europol/statistics-data>. Accessed on 7th July 2018.

CEPOL was established on the basis of a strictly intergovernmental model with the intention to bring together national training institutions for senior police officers of member states. No role for the supranational EU's institutions was envisaged to manage CEPOL, which was supposed to resemble a 'horizontal network' system of Interpol (Benyon *et al.* 1994: 56). However, as practice has further demonstrated, such a loose intergovernmental structure was not very efficient in fulfilling its tasks. The first activities of CEPOL took place in 2001. Yet, in its early period, the Agency (or the-then 'College') was lacking both legal personality and a permanent seat, and received only limited financing from the member states (Peers 2011: 926). The institutional trajectory of CEPOL is thus similar to that of Europol, which also operated in a restricted regime during the first years after its establishment. At the same time, in its early period, CEPOL was not entirely toothless: already in the first half of the 2000s, CEPOL organized important seminars and training courses for police officials of both member states and third countries.¹³³

The situation with unclear institutional status of CEPOL changed in 2005, when the organization's legal basis was amended by the new Council Decision (Council of the European Union 2005b), resulting in CEPOL's transformation from a loose intergovernmental coordination platform into a full-fledged Agency of the European Union. By virtue of a newly adopted Decision, CEPOL was endowed with a legal personality, a permanent seat, and financing from the Union's budget. Although CEPOL continued its operations as a network, it was now more firmly anchored into the EU's institutional system. Both the Commission's and the Council's General Secretariat received (limited) rights to exercise control over CEPOL's activities: thus, representatives from both bodies were entitled to attend CEPOL's Governing Board's meetings as non-voting observers. Together with the Governing Board of CEPOL, the Commission was made eligible to exercise control over the organization's preliminary work programme. As regards the European Parliament, it obtained the right to ensure the democratic scrutiny of CEPOL's activities (*ibid.*).

The 2005 Council's decision also further institutionalized the CEPOL's external relations competence, as it expanded and clarified the general norms of cooperation in more detail ('substantial' institutionalization), and made the governance of CEPOL's international activities more centrally-organized ('procedural dimension' of institutional change). Specifically, the

¹³³ The formal competence base for CEPOL's external action was originally laid down in the 2000 Council Decision, which provided that 'CEPOL may cooperate with the national police training institutes of non-member states of the European Union' (Council of the European Union 2000a: Article 8).

Decision provided the College with the right to conclude agreements with non-EU states ‘in the field of law enforcement and other related areas’ (ibid: Article 8).

The process of CEPOL’s institutional evolution within the EU’s system continued with the adoption of the Treaty of Lisbon. Pursuant to the Treaty, CEPOL was entitled to establish and maintain contacts with COSI. The latter, in particular, received the right to assist in the strategic planning of CEPOL’s work programme. On the whole, combined with the fact that the College was subsequently obligated to verify and coordinate its work priorities with the strategic guidelines contained in the key JHA policy documents, such as the Stockholm Programme, and priorities of other stakeholders in the AFSJ policy domain, the modifications of the mid-2000s resulted in CEPOL’s stronger ‘institutional anchorage’ in the EU’s system of internal security, and the post-2005 expansion of CEPOL’s cooperative opportunities – both internally and externally.

In addition to similarities with Europol in terms of its evolution from a loose intergovernmental structure to the EU-affiliated specialized agency, CEPOL shares similarities with its ‘older brother’ Europol in terms of its institutional genesis being a confluence of two main factors – ‘functional’ and ‘political’. On the one hand, in terms of its professional mandate and the themes covered, CEPOL’s clearly developed in the 2000s as a functional, practice-oriented law enforcement institution. Its operation was intended to fulfill the member states’ pragmatic ambition of combating various manifestations of serious and organized crime in Europe. As a specialized arrangement within the EU’s security system, CEPOL enjoyed broad professional discretion with regard to adopting common police training curricula, including training and learning modules. At the same time, the Agency obviously was a political ‘by-product’ of European integration through its connection to supranational actors and through its work strategies and practices (both internal and international) being to a considerable degree informed by the European Union’s political priorities. As a member of CEPOL’s EWRG mentioned (II), external relations of ‘CEPOL [...] are always political [...] we follow Commission’s recommendations in terms of external relations [...]’.

In terms of its work mandate, CEPOL, like Europol, was intended to perform mainly functional activities. In the 2005 Council decision, the principal mission of CEPOL was defined generally as the implementation of the ‘European approach to the main problems facing member states in the fight against crime, crime prevention, and the maintenance of law and order and public security, in particular the cross-border dimensions of those problems’ (Council of the European Union 2005b). As a main police education platform in Europe, according to the

Decision, CEPOL was entrusted with the mission of organizing the professional training of senior police officers of the EU member states, contributing to the dissemination of the ‘best European’ crime-fighting practices, and diffusing knowledge in the area of police teamwork and research. Its founding document also provided for the possibility to organize specialized European conferences on the contemporary crime trends, to prepare harmonised programmes for the training of middle-ranking police officers, and to sponsor fraternal exchanges of police officers of the Union's member states. When preparing its training syllabus, CEPOL was obligated to verify its priorities with Europol's OCTAs and SOCTAs that contain information on the main trends in organized and serious crime in Europe.

Professional police training became the flagship activity of European Police College. In the 2000s, according to R. Loik (2011), the College was annually organizing and delivering from 70 to 100 courses, workshops, seminars and conferences, with the main target group of CEPOL's events being mainly senior and mid-ranked law enforcement officers from the national police training institutions. In the 2000s, the nominal rates of national participation in its educational programmes was on a constant rise. Thus, from 2006 to 2011, the Agency's main activity, face-to-face police training, had attracted a total reach of some 11,604 participants (European Police College 2012b). Most courses and seminars that CEPOL organized during that period were analytical (i.e., with a focus on general security issues and crime trends), while some of CEPOL's training module also had a procedural dimension (i.e., focusing on governmental IT systems, information-sharing procedures and specialized investigative techniques such as criminal analysis, joint investigation) (Lemieux 2010: 13). From 2006, CEPOL's training activities started to be increasingly linked to the priorities outlined at the wider EU level through the educational strategy of the so-called ‘Common Curricula’, which prioritized the European (over specifically national) dimension in training. In The Hague Programme, the Council and the Member States were asked ‘to develop by the end of 2005 in cooperation with CEPOL standards and modules for training courses for national police officers with regard to practical aspects of EU law enforcement cooperation’ (European Council 2005). Following this objective, CEPOL's Governing Board determined the subjects of the Common Curricula as built on initial recommendations of the Union's bodies (e.g., Council, the Commission, and the Parliament) about police training on specific subjects with a European dimension. The member states then used these recommendations within their national training programmes in line with their individual tasks and needs (European Police College 2006c).

In terms of topics covered, CEPOL's training agenda also witnessed a considerable expansion throughout the 2000s. To mention but a few, according to the Common Curriculum, in the 2000s, CEPOL's agenda covered such thematic study areas as 'Police Ethics', 'European Police Cooperation', 'Trafficking in Human Beings', 'Drugs Trafficking', 'Joint Investigation Teams', and 'Police Cooperation and Schengen'. For example, the thematic module 'Europol' was devised in 2004 with an aim to acquaint the participating law enforcement officials about the organization of Europol and its activities (European Police College 2006b). Some training courses of CEPOL were very practice-oriented, and were taking place in relevant public places, for example, in airports, where concrete aspects of police work (e.g., the practicalities of security screening and detection of suspicious passengers) could be demonstrated on-site. Other CEPOL seminars, by contrast, were region-specific and focused on organized crime threats from particular regions (e.g., the 'North-east Europe organized crime organizations'). Other activities, by contrast, had a connection with more foreign policy-linked (and not strictly crime-related) issues, such as the 'SPOPCOP' ('Senior Police Officer Planning and Command') course for crisis-management missions (European Police College 2012a). In 2011, the standard face-to-face training was expanded with online seminars (webinars) and e-learning programmes (through the e-Net, CEPOL's web-based electronic network), with cyber-security rapidly rising in prominence and becoming one of priority themes at the Agency's agenda.¹³⁴

The 'operational brief' of CEPOL's was not, however, restricted to the dissemination of knowledge and educational training, but also included other activities. Since 2003, CEPOL has organized annual international conferences (e.g., the 'European Research and Science' conference in 2011 in Madrid), with a focus on specific organized crime issues. It also hosted various research symposia, and since the mid-2000s became increasingly engaged into research-related activities in order to work towards common standards of policing based on science-led strategies and techniques and eliminating diversities in police cultures of the member states (European Police College 2006d). Since 2011, the Agency started publishing the European Police Science and Research Bulletin, which disseminates information about the state-of-affairs with criminal justice and police research across Europe (European Police College 2012a).

Since the mid-2000s, CEPOL also took on a new functional task of sponsorship of fraternal police exchanges that acquired rising popularity among law enforcement officials of the EU member states. The importance of professional police exchanges was originally emphasized in

¹³⁴ The number of e-Net users grew from 207 in 2007 – to 9283 in 2011 (European Police College 2012a).

The Hague Programme: as mentioned earlier, this document called for the devising of systematic exchange programmes for senior police staff of the participating member states' police institutions. In the second half of the 2000s, in order to implement this policy priority, the exchange programmes of CEPOL started to develop gradually. Technically, the exchange programmes were devised with a view to offering the selected groups of police officials from the Union's member states the opportunity to spend up to two weeks in a partner police institution of another EU country. The programmes had the form of either traditional person-to-person exchanges or group study visits and were organized around topics with the distinctive 'trans-European dimension'. In addition to transferring knowledge, these exchange programmes were contributing to networking between partners, with an ultimate aim of developing a European police culture. In the concluding phase of the 2000s and in the early 2010s, CEPOL's exchange programmes were attracting an ever increasing number of participants. For example, while in 2007 the number of participants in the exchange programme was around 50 persons, by 2011, the participation rate in this programme reached the total limit of 292 police officials (from 26 participating countries) (European Police College 2012b). The exchanges were organized around topics directly relevant to the respective EU objectives, including community policing, counterterrorism, and financial crime (European Police College 2012a).

2.2.3. Strategies and Techniques for Operational Law Enforcement in the EU

In addition to meso-level police cooperation (i.e., through the 'vertically-styled' EU Agencies Europol and CEPOL), the EU's police model embraces also various strategies and techniques intended to regulate cooperative law enforcement practices at the micro-level, or directly among participating national police officials. Given that member states traditionally guard against the surrender of national sovereignty over operational police matters, the degree of 'institutional anchorage' of such 'micro-level' law enforcement practices in the EU's system remained low and only limited institutionalization of such practices took place during the examined period. Nevertheless, especially in the 2000s, the Union attempted to ensure at least some central coordination of this 'strongly executive-driven' policy field, as L. Block (2010: 195, 207) defines it. The examples of 'functional' law enforcement strategies that became relatively formalized are the policing instruments of the Schengen system, joint investigation teams, and liaison officers.¹³⁵

¹³⁵ Most strategies of operational police interaction in the Union had their origins in the bilateral cross-border policing practices of individual member states and therefore legally these arrangements for transfrontier law enforcement in the Union formed a heterogeneous group in the 2000s. Thus, while some policing strategies were covered by Union's *acquis communautaire* (e.g., the Schengen cross-border policing techniques) and were regulated by the secondary EU

Among operational policing techniques, the instruments of the ‘Schengen system’ feature strongest ‘professional rationality’ (Block 2011b). Because of its pragmatic orientation, the Schengen arrangement became the ‘most important laboratory for the development of the EU as an actor in the field of internal security’ (Monar 2001), and many of the strategies for regulating transnational law enforcement among the member states that emerged in the 2000s such as the Prüm Treaty, joint commissariats, and various intelligence platforms had their origins in the Schengen system (Block 2011b). Schengen was also identified in the 2000s as a tool most eagerly used by police officers in their practical day-to-day collaboration, *inter alia*, because it was *less* politically-controlled than other instruments (Guille 2010: 259, 268). In contrast to Europol and CEPOL, which as was noted earlier, evolved partially in response to the political developments at the EU level, the Schengen system was in the very beginning devised as a purely pragmatic response to cross-border organized crime: it was introduced by the individual member states as a ‘compensatory measure’ for potential ‘security deficit’ arising from the abolition of frontier checks inside the Union. Since the outset, the system was a practitioner-led initiative (Block 2011), which had its origins in informal and fraternal cooperation among fellow police professionals working jointly to investigate cross-border crime in the densely populated regions of Europe. Although subsequently the Schengen system was incorporated into the EU’s legal order together with its constitutive elements (i.e., in the Amsterdam Treaty), and the EU-level political initiatives were crucial to securing much of the subsequent progress of Schengen (ibid), the impact of the EU and its institutions over the practicalities of police work under the Schengen remained negligible (Chatterton 2001: 324). In short, during the examined historical period, the Schengen remained an EU-wide, but still a predominantly intergovernmental platform for practical policing in Europe.

The historical origins of the Schengen facility date back to the 1949 Police Border Agreement between the Netherlands and Belgium that formalized long-standing cooperative practices of chasing criminals across the national frontiers of these states. In 1962, a third participant, Luxembourg, joined this bilateral Dutch-Belgian arrangement, resulting in conclusion of a Benelux Treaty on Extradition and Mutual Assistance in Criminal Matters. Another Schengen predecessor was a 1977 French-German Convention on collaboration between police authorities in adjacent areas (Anderson *et al.* 1995: 59-61). A more structured and comprehensive form of

legislation (e.g., the framework decision of 2002 on JITs), others remained subject to regulation by separate intergovernmental conventions, to which most EU member states were parties (the 2000 Convention on Mutual Legal Assistance in Criminal Matters, or the ‘MLA Convention’).

cooperation enabling cross-border police activities in Europe emerged, however, only in the 1980s. As a first step, an Agreement was signed in 1985 between the five states of the European Community (Germany, France, and members of the Benelux group). Focusing chiefly on removing obstacles to the free movement at common external frontiers among the signatory states, the Agreement also contained mutual obligation for the participating states to ‘open discussion [...] on [...] drawing up arrangements for police cooperation on crime prevention and investigation [...]and...] seeking means to combat crime jointly [...]’ (Schengen Agreement: Articles 9 and 18). As a next step, in order to balance insecurities arising from lifting intra-EU frontiers by means of policing, the Convention on Implementation of the Schengen Agreement was signed in 1990 by the EC’s member governments. In 1997, both the 1985 Agreement and the Schengen ‘Implementation Convention’ (together with the related documents and decisions of the Schengen Executive Committee) was incorporated into the constitutional framework of the European Union by virtue of a separate protocol attached to the Treaty of Amsterdam, with provisions related to police work thus becoming an integral part of the third pillar *acquis*. In the words of C. Fijnaut, the overall institutional evolution of Schengen, including the process of integration of the 1990 Schengen Convention into the Union’s structures, can be described as a ‘bottom-up cross-border operationalization of police cooperation in the EU’ (Fijnaut 2004: 249).

In terms of content, since the 1990s the Schengen system was taking shape as the ‘most complete model for international police interaction in Europe’ (Block 2011: 61) wherein provisions on practical cross-border policing became regulated in a more or less meticulous way (Fijnaut 1993: 37). The Schengen ‘Implementation Convention’ obligated the contracting parties to ‘assist each other for the purposes of preventing and detecting criminal offences’ (Article 39) and also stipulated in detail the conditions and procedures for such assistance. Specifically, the Schengen system acknowledged such forms of pragmatic trans-frontier policing as exchange of information and requests for assistance to prevent criminal offences [through the computerized Schengen Information System (SIS)] (Schengen Convention: Articles 39 and 46), cross-border observations (surveillance) operations, hot pursuit operations, and controlled (‘monitored’) deliveries (ibid: Articles 39-47).

The most important of functional cross-border policing techniques that the Schengen system included became: cross-border surveillance (Schengen Convention: Article 40), which refers to practices of police official(s) keeping under watch in a foreign country of criminals who are suspected of having participated in an extraditable criminal act; ‘hot pursuit’ (ibid: Article 41), which relates to the actual practice of pursuit by a police of a potential criminal in foreign

jurisdiction; and the controlled (monitored) delivery (ibid: Article 73), which refers to '[...] the technique of allowing illicit or suspect consignments of [...] drugs [...] to pass out of, through or into the territory of one or more countries, [...] under the supervision of their competent authorities, with a view to identifying persons involved in the commission of offences [...]'.¹³⁶ In short, these policing techniques of Schengen are reflective of its profoundly 'functional' spirit as they are intended to facilitate mainly pragmatic forms of transnational law enforcement across the frontiers of the unified EU.

The practical application of the afore-mentioned strategies of the Schengen Convention by participating police forces was limited to the most important categories of offences, first and foremost to those containing a distinctly 'trans-European' criminal element, such as illicit trade in psychotropic substances, trafficking in human beings, and illegal trade in weapons. The Schengen Convention did not empower participating police officials to undertake police work unrestrictedly while operating on a foreign soil. Instead, only general administrative procedures and conditions applied in cases of such operations were outlined in this contractual agreement, with specific details and practicalities of executive operations being left to consideration of national police authorities involved. For example, pursuant to the Convention's Article 40, while operating on foreign soil, national police officials could not act on their initiative, but had to comply with the existing regulations of a host state (ibid). Thus, prior to conducting a cross-border police operation, police officials were obligated by the Convention to obtain authorization from the host state, and during the operation's active phase, the participating officials were prohibited from apprehending the person under surveillance. These 'sensibilities', which are also valid with regard to other cross-border police operations falling under the scope of the Convention, are explained by a sensitive character of 'extra-jurisdictional' police work in the EU and point at the limitations of a common Union's approach in this area.

Outside the Schengen system, in the 2000s certain pragmatic police cooperation at the micro-level was enabled through the instrument of joint investigation teams. The general principle of JIT as a tool of proactive law enforcement was introduced for the first time in the Amsterdam Treaty and afterwards the technique was politically endorsed at the European Council in Tampere. Unlike the Schengen system, which became subjected to institutionalization at part of the EU's system from the late 1990s, formalization of JITs at the EU level took place mostly in the 2000s. As operational policing technique, JITs were for the first time introduced in the 2000 MLA

¹³⁶ As defined in: United Nations (1988) *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* 1988. United Nations.

Convention, which was subject to ratification by the member states (Mutual Legal Assistance Convention). In the aftermath of 9/11 terrorist attacks in the U.S., in order to speed up the integration of the JIT technique at the national level (the process of JITs' incorporation into national legal orders proceeded slowly), the Council adopted in 2002 the homonymous framework decision (i.e., the framework decision on JITs) that reiterated in general the corresponding provisions of the MLA Convention. This framework decision made the practice of the JITs' application more centrally-organized: not only member states could from then on take part in JITs (this was the usual practice before), but also representatives of the EU's police agencies such as Europol, and representatives of the EU's supranational bodies (e.g., the European Commission) as seconded members.

The JIT formed as an instrument for practical and proactive law enforcement: it was intended to conduct 'difficult and demanding [*criminal*] investigation having links with other member states' (Council of the European Union 2002c). As is the case with the relevant cooperation under the Schengen Convention, both the 2000 MLA Convention and the 2002 framework decision contained only general provisions regarding the composition and operation of the team, and many of the afore-mentioned 'national sensibilities' valid in the case of the Schengen cooperation were also applicable in the JITs' case. Thus, the Decision provided that the respective JIT might carry out its operations under the national law of the EU member state in which it functioned. Otherwise, the specific procedural formalities of the JIT's establishment and operation, and its composition, duration and purpose, should have been decided on individually by the participating states (ibid).

According to scholars, the introduction of the JIT technique in the EU was a genuine achievement as the JITs replaced the outdated and clumsy method of ILORs (international letters of request) that had been broadly in use across Europe before. While the ILORs involved conduct of several parallel investigations (i.e., two or more investigation teams simultaneously investigating the same criminal act), the JIT, by contrast, represents a more advanced cross-border policing technique as it is based on one single agreement replacing multiple ILORs. In other words, the JIT allowed for the direct decentralized contacts among competent authorities from different sides of the border (Block 2011: 152-157). Therefore, according to L. Block, the introduction of the JIT strategy permitted addressing numerous handicaps that earlier characterized international police investigations in the EU, including cultural obstacles and miscommunication, slowness of information sharing, fragmentation of law enforcement efforts

(the JITs are multidisciplinary), slow speed of request, and other administrative burdens (ibid: 143-163; Block 2010: 195, 207).

Bilateral liaison officers is another outstanding strategy for the ‘functional’ cross-border police interaction that became somewhat formalized (mostly in the 2000s) at the EU level and got legally anchored in the Union's law. Liaison officers are law enforcement officials that a state deploys to a foreign jurisdiction to execute various requests for mutual police assistance and thereby to facilitate international crime-combat. Liaison officers develop and maintain a network of privileged contacts in their host country and act as intermediaries between their home agency and police agencies in the host country. Specifically, the liaison officers’ tasks involve facilitating the exchange and transmission of information ‘for evidence, interrogations, arrests, and extraditions’ (Block 2010: 196), supplying advice and assistance to their colleagues back home regarding, e.g., the local crime situation, or the legal and operational particulars of the law enforcement systems of their host country, plus advising on most promising avenues for cooperation (ibid), as well as coordinating joint operations. Personal skills in forging relationships and maintaining a network, together with linguistic and cross-cultural competencies are key in performing the tasks of a liaison officer (ibid: 198) who thus becomes a convenient ‘human interface for data interconnection’ (Bigo 2000b: 79). The fact that the liaison officers often use informal channels to exchange information and aid joint criminal investigations (especially at an earlier phase of investigative process) explains why member states frequently resort to the use of liaison officers while bypassing institutionally well-established routes.¹³⁷

While the practice of seconding liaison officers to foreign jurisdictions in Europe dates back to the 1970s (at the level of individual EC member states), the first attempts to regulate practices of liaison officers at the multilateral level in Europe were made with the adoption of the 1987 Agreement on the development of a network of drugs liaison officers in the European Community. In 1990, the Schengen Implementing Convention provided that ‘The Contracting Parties may conclude bilateral agreements providing for the secondment, for a specified or unspecified period, of liaison officers from one Contracting Party to the police authorities of another Contracting Party’ (Schengen Convention: Article 47). The Convention contained only most general provisions related to posting liaison officers and did not include any possibilities for central coordination of liaison officers’ practices, leaving the formalities of relevant arrangements for the consideration of the participating states.

¹³⁷ According to L. Block (2010: 200), the number of liaison officers posted by the EC/EU member states grew from one in 1971 to 541 in 2008.

Since the mid-1990s, initial attempts were also made to regulate the secondment of liaison officers and their practices by EU law. The formalization of practices of liaison officers at the Union's level started within the EU's Council adopting policy instrument concerning the posting and tasks of liaison officers (in 1996) and continued further with the adoption of respective instruments in 2000, 2003, and 2006. The 1996 joint action provided only for a very common framework for the member states' initiatives of the member states concerning liaison officers (Council of the European Union 1996). In 2003, the Council adopted a decision ('hard law' instrument) regulating the common use of liaison officers (Council of the European Union 2003). This Decision contained an obligation for the member states 'to ensure that their liaison officers establish and maintain direct contacts with competent authorities in the host state [...] with a view to [...] expediting the exchange of information [...] on [...] serious cross-border crime' (ibid: Article 2). The Decision also provided for the possibility to establish the network of liaison officers in the third states (ibid: Article 6). The Decision further emphasized the member states' primacy in deciding over the concrete practices of liaison officers' use. However, the fact that the decision allowed for the 'Commission and Europol [...] to [...] be invited to such seminars' of liaison officers (ibid: Article 6) was nevertheless an indication of a certain centralizing tendency in the field.

The next Council's Decision was adopted in 2006. Notwithstanding the continuing primacy of a national approach regarding liaison officers, this policy instrument again contained some signs of a more supranational approach with regard to the practices of liaison officers' deployment and activities (Council of the European Union 2006b). The decision (now adopted with regard to the opinion of the European Parliament), introduced a notion of a 'European liaison officer' and a notion of a 'lead nation', which referred to a certain member state, endowed with a 'responsibility for coordination of EU cooperation in a particular country or region, which includes the initiative to convene liaison officers meetings'. Most significantly, the Decision opened the possibility for member states to use Europol's liaison officers that are posted abroad (i.e., in third countries or international organizations) for the respective crime-fighting purposes (ibid: Article 1) and allowed the Council's General Secretariat, the Commission, and Europol to oversee the member states' practices of postings of liaison officers (ibid: Article 1). In short, while the Council's decisions led to only a slight codification of practices concerning liaison officers, the aforementioned developments point that an evolution of a heretofore strictly intergovernmental approach regarding posting liaison officers – to a somewhat more standardized and centralized approach in this area took place in the 2000s.

Conclusion

This chapter portrayed institutional evolution of European model of police cooperation based on the taxonomy and phases of institutional change. It also introduced key instruments and strategies for pragmatic policing in the EU.

The chapter has demonstrated that historically, European law enforcement, including both domestic and international dimensions thereof, was an area of uneven institutional development. Despite the absence of linear evolution of this policy space as institutionalization stages often overlapped, it is obvious that over the time-span of 1991-2011, the EC/EU made a relatively speedy transition from the initial stages of institutionalization process (mainly second and third) in the 1990s towards more advanced ones (mainly third, fourth, and fifth) in the 2000s. Since cooperative potential depends on the extent of institutionalization of a policy space, the expectation was that cooperative opportunities in JHA/AFSJ were expanding each time as progression to every new stage of institutionalization process occurred.

Thus, during the formative period of police business in Europe, cooperative opportunities in this sphere were restricted due to the lack of solid institutional foundations of the TREVI Group. The Group marked an embryonic stage of institutionalization of police business in Europe, epitomized by intergovernmentalism and informality (first institutionalization phase). At the same time, notwithstanding the predominantly informal character of customs of police cooperation under the TREVI, the Group contributed to the development of shared understanding of crime threat among the participating member states of the European Community that later enabled stronger formalization and hence cooperative opportunities in this sphere. Cooperative potential enhanced when transition from the intergovernmental TREVI's system towards more consolidated police structure took place under the Maastricht Treaty, with information-sharing through institutionalized mechanisms now playing central role (mainly second stage, with characteristics of the third and fourth institutionalization phases present). Thus, as the TEU collaboration on police matters was for the first time introduced as a matter of member states' common interest, key principles of cooperation in the area were outlined, the competence of main EU's bodies in the area was delineated (with the dominant role of the Council), and the EDU was established a chief institutional locus for EU-wide information-exchange on drugs, cooperative possibilities in the JHA area increased by comparison to the previous period.

With the successive change under the Treaty of Amsterdam, the ‘institutional transition’ towards more standardized routines in the Union's police policy occurred (consolidation of the second and gradual transition towards third and fourth institutionalization stages). As the new EU Treaty put internal security on a new ideological platform (by making AFSJ as an aim in itself), it introduced a clearer articulation of standards of common interaction in the area and expanded regulative norms of common law enforcement (e.g., by incorporating Schengen into the TEU framework). The Treaty ensured more active involvement of the Union's supranational bodies (European Commission and the Parliament) in the decision-making process over non-operational police issues, and for the first time enabled the Union to act as international actor in AFSJ. Supranationalism was thus enhanced in this domain and hence opportunities to coordinate common police policy increased.

The adoption of ambitious Tampere and The Hague programmes between 1999 and 2004 marked the next stage of institutionalization of European police model. As both policy documents considerably expanded norms of cooperation in the field (e.g., by introducing the groundbreaking ‘principle of availability’ of information), they had a considerable stimulating effect on the pace of law enforcement interaction both internally within the Union and externally with the third partners. Although neither of the Programmes was intended to alter formal institutional set-up in the AFSJ, both policy documents eventually brought the European police system to the mature (fourth) stage of institutionalization process: the effect of their adoption was the establishment of the new permanent institutional avenues for member states’ cooperation (e.g., CEPOL), bolstering of the capacity of the already existing ones (Europol), as well as the adoption various instruments regulating operational law enforcement across the Union. All this stimulated a more effective EU-wide – internal and external – approach concerning policing already in the early 2000s.

Institutionalization of international police action potential of the Union continued with the 2005 adoption of the Strategy on the JHA/AFSJ external dimension. The Strategy articulated a greater number of norms of cooperation in the area (third institutionalization stage), in particular, it contributed to making common actions in this field more structured and streamlined through binding them to the hierarchy of the EU's foreign policy interests in both the second and first pillars. This, in turn, led to more concerted international police action of the EU in the second half of the 2000s.

Towards the end of the 2000s, the adoption of the Treaty of Lisbon entailed a radical overhaul of the Union's cooperative chances in the law enforcement domain as, through the

Treaty, the change of an underlying norm of policing towards stronger supranationalism took place, indicating progressive reaching of European system of internal security of the fifth, 'governance' phase of institutionalization process. By deferring considerable decision-making and legislative competencies over police issues from the national to the EU-wide level, expanding further the rules of collaboration in this field, enabling certain involvement of supranational bodies into operational police collaboration, and 'communitarizing' legal instruments of policing, the Treaty obviously ensured better possibilities for the member states' joint action in the domain of internal security.

Having provided an overview of major strategies and arrangements created at the EU level to facilitate functional/pragmatic forms of police interaction, I further showed that the development of practical aspects of law enforcement in the EU, notwithstanding prevailing intergovernmentalism in this field, displayed gradual movement towards at least some supranational regulation at the EU level, especially in the 2000s. 'Centralization' dynamics were typical not only for the Union's specialized police agencies Europol and CEPOL, whose daily activities are subjected to the 'instrumental police rationality' (Block 2011), but also for grass-roots, or operational, law enforcement. Even though the mechanisms of the Schengen system and the strategies of JITs and liaison officers were at the outset devised by law enforcement practitioners with a strictly pragmatic purpose and were subject to intergovernmental regulation at the level of member states, in the 2000s, an increase in the Union's formal regulative competence also with regard to these functional instruments took place. As norms of practical police cooperation started to change in the direction of stronger formality in the 2000s and became increasingly defined by the EU, this simultaneously opened up extended possibilities for using these instruments for police cooperation at the EU-wide level.

Chapter 3. ‘Security Factor’. The Dynamics of Organized Crime in the Western Balkans and the Impact of Balkan Criminal Phenomenon on the European Union

Introduction

In the preceding section, the progressive evolution of institutional landscape of European policing was examined in order to (subsequently) establish the extent to which Euro-Balkan police cooperation is affected in distinct time periods by the level of development of respective resources. The analytical focus in this section is on the next factor under investigation – security/organized crime. In order to understand causal relationship between the *XI*-factor and the dynamics of Euro-Balkan policing, a preliminary investigation of the patterns of criminalized activities in the Balkan region and their impact on security situation in Europe is required. The specific focus here is thus on the evolution of three main manifestations of serious and organized trans-frontier crime: trafficking and trade in drugs, human smuggling, and trafficking in small arms and light weapons as it is these three, large-scale and systematic criminal domains that are traditionally associated with the export of the Balkan-related instability to the EU's territory.

Similar to the previous chapter, this one deals with the developments in the longer time-frame of 1991-2011. Drawing from the specialized reports commissioned by the UNODC, CoE, Europol, and, whenever possible, also available analytical scholarly research on this topic, it makes qualitative observations about the patterns of Balkan crime in the afore-mentioned three major categories. For the sake of convenience, the chapter is subdivided into two sections covering the first period of 1991 – 1999/2001 and the second period of 1999/2001 – 2011. The first part explores, in particular, how organized crime proliferated in the Balkans in the 1990s as an immediate consequence of a long-standing inter-state strife and socio-political instability after the demise of Yugoslavia, and how the Balkan-linked crime groups subsequently established and expanded their operational base on the Union's territory. The second part, in turn, explores the corresponding tendencies in organized and serious crime in the Western Balkans, including its impact on the Union's domestic security situation, in the 2000s.

3.1. Western Balkan Organized Crime and its Influence on European Security in the 1990s

'In the 1990s, a huge increase in the Western Balkan organized crime occurred'

Max-Peter Ratzel

3.1.1. Clandestine Traffic in Narcotic Drugs and Psychotropic Substances

The illegitimate trafficking and trade in psychotropic and narcotic substances is the first and most wide-spread category of organized crime that is widely associated with the Western Balkans. In law enforcement circles in Western Europe, illicit trade in drugs is commonly regarded as presenting a top security threat for the EU (I6). It is an axiom of theoretical criminology that 'criminal organizations tend to have a home base in areas where the risks posed by criminal justice and law enforcement capabilities are low and to engage in providing illicit goods and services to markets where the profits are very high' (Savona, *et al.* 1995: 5). In connection to that, criminal relationships that formed during the 1990s between the wealthy Western European consumer markets and the region of Western Balkans as a major staging post and a transit route for the illicit psychotropic substances can be described as one of a 'perfect symbiosis'. Especially during the warfare period of 1991-1995, with relatively low internal local drug consumption rates (compared to Western or Central Europe¹³⁸), the so-called 'Balkan Route', or the 'Balkan Axis', with its two major sub-branches – the Northern and the Southern one,¹³⁹ – played a central role in the supply of illegal drugs – first and foremost opiates – to the EC/EU's territory.

¹³⁸ In 2010, the UNODC estimated that out of the summary volume of heroin of Afghan origin trafficked annually through Iran, Turkey and South-Eastern Europe (approximately 140 tons; to satisfy aggregate European demand of 87 tons), the overall heroin consumption in Western and Central Europe was about 80%, whereas Eastern Europe accounted for 4.4% and Southern Europe for 2.4% only (UNODC 2010a: 7, 125).

¹³⁹ The existing literature sub-divides the 'Balkan drug route' into several branches, all passing through the geographical Balkan Peninsula. Specifically, the so-called 'Northern' and 'Southern' sub-branches act as main gates for the passage and supply of illicit narcotics to European consumers. The largest consignments of illicit drugs intended for Western European markets mainly pass through the 'Northern branch', or 'Northern smuggling route' (going through Bulgaria to Serbia, Bosnia and Herzegovina and Croatia further to Austria and other large Western European countries such as Germany, France, the UK). In the first half of 1990s, occasional dislocations of this 'indigenous', or 'Yugoslavian', drug route took place as a consequence of armed conflicts. During the wars in Croatia and BiH, this route was temporarily cut off, but revived again with the cessation of major hostilities in Bosnia after 1995. The smaller 'southern' sub-branch of the Balkan route leads from Bulgaria through Macedonia and Kosovo to Albania – and further to Italy (Hajdinjak 2002: 42)

Notwithstanding poor statistical information concerning the role of the Western Balkans in the illicit drug business in Europe during the ‘turbulent’ 1990s, it is known that during that decade the Balkan region emerged and acted as a major transit zone for the narcotics destined for Western Europe. According to the available information, the period of the 1990s witnessed a continuously and progressively expanding export of the Balkan-related drugs in the direction of the EC/EU. The growing production of illicit narcotics in the countries of origin, especially of the heroin industry in Afghanistan, contributed to the constant rise in the Balkan-related narcotics’ trade within the Community/Union in the mentioned phase. For instance, according to the European Monitoring Centre for Drugs and Drug Addiction, the illicit poppy production in Afghanistan was characterized by a sharp increase from around 1800 metric tons in 1990 – to approximately 5100 tons in 1999 (EMCDDA 2008: 6).¹⁴⁰ As a result, ‘throughout the 1990s, Europe experienced a heroin use epidemic [...]’ (EMCDDA 2008: 3), and the lion share of this problem should be attributed to the Balkans.

While the Balkan-related drug trafficking and trade was not a new phenomenon for Europe and the Balkan heroin route – including very experienced criminal groups of especially Albanian origin – had been well-known to Western European police for already several decades by the 1990s (I8), an especially sharp increase in the Balkan-linked drug trade in Europe in that period occurred due to major war-related and post-war anarchy. The dysfunctional security sector and inability of local law enforcement officials to tackle cross-border crime were immediate consequences of Yugoslavia’s disintegration and the ensuing wars. As a result of ineffective (and frequently non-operational) border controls and pervasive corruption in the law enforcement sector in the fledgling Balkan republics, drastic acceleration of the drug-related crime in the whole of the region occurred during the conflicts’ period. In words of M. Hajdinjak (2004: 17), the Western Balkans turned into a region ‘ideal for drug smuggling’. In the 1990s, the clandestine drug trade embraced the whole of the South-Eastern European region itself, with an ever increasing number of criminal syndicates from the regional countries being drawn into this illicit business also on the EC/EU’s territory (ibid).¹⁴¹ In short, in the 1990s, the Western Balkans emerged as a truly poly-drug region, with shipments of heroin, South American cocaine, locally produced cannabis, and various synthetic drugs (originating in Western Europe) – travelling unrestrictedly in all directions along the route (I8).

¹⁴⁰ This information is confirmed by Jürgen Storbeck who at that time was the EDU’s chief coordinator (I8).

¹⁴¹ This is additionally confirmed by UNODC (1999: 2): in the 1990s, in contrast to the previous decades, the Balkan route became far more complex and diversified, with an increasing number of regional countries being used as export-import zones for narcotics.

Regarding specific drug categories, in the 1990s, the Western Balkans emerged as a significant conduit of the Afghan opiates to the Community/Union's territory. In this drug category, it is primarily heroin that constituted the greatest proportion of the overall drug business in Europe during the war period. Although the Westerns Balkans' role in the European heroin business is not new and can be traced back already to the 1970s, it is especially since the early 1990s that most Western European countries, according to the exiting evidence, experienced tremendous growth in the Balkan-related heroin in their internal markets (*ibid*). Thus, as far as the specific EU countries are concerned, the lion's share of the heroin flow was directed during that time mainly at the UK, Italy, France, and Germany (UNODC 2010a).¹⁴² Simultaneously, other significant national destination markets for the Balkan heroin trade and traffic emerged during the conflict and post-conflict phase, with Austria and the Netherlands being also desirable countries for the Western Balkan-linked criminals in this regard (*ibid*: 120-121).

Regarding the overall volume of the Balkan-related heroin trade in Europe, according to the CoE's statistical data, in the period between 1990 and the mid-1990, the European market for heroin almost doubled (Council of Europe 1998; also Interpol 1997). Especially the period after the Bosnian war, with the revival of the 'classical' Western Balkan heroin route (i.e., since 1995/96),¹⁴³ witnessed a constant expansion of the Balkan heroin business in the European Union. Thus, according to the CoE, between 1995 and 2000, the overall amount of heroin seized in Europe increased at 85% (numerically – from 11.3 to 20.8 tons) (Council of Europe 2002). As to the longer-term trend, as CoE estimates, while the overall amount of heroin seized in Europe in 1990 accounted for about 6 tons only, in 1995 it accounted for 11 tons (Council of Europe 1999), in 1999 – for 14 tons, and in 2000 it was already approximately 21 tons (Council of Europe 2002). Naturally, the largest shipments of illegal Balkan drugs were discovered by police authorities in the EC/EU countries bordering the Balkan Peninsula. Thus, in 1996, the largest shipments of heroin were discovered in Italy – the first Western European country on the way of the 'southern' Balkan drug sub-branch (passing through Albania and especially active during the Bosnian war) (Council of Europe 1998). Additionally, the growing role of the Western Balkans in the transportation of heroin to the Community/Union in the 1990s can be indirectly confirmed by the fact that in the Balkan countries themselves (and in their immediate neighbours in Eastern and

¹⁴² According to UNODC (2010a: 120), out of estimated total volume of heroin directed at these countries (87 tons in total, according to 2010 data), the proportion of these four countries in the overall distribution/consumption of heroin in Europe remained relatively stable throughout both the 1990s and the 2000s, and in 2010 was the following: UK – 21%, Italy – 20%, France – 11%, Germany – 8%. The rest of Europe consumed around 40% of heroin.

¹⁴³ According to some evidence, even though during much of the 1990s the traditional, or 'Northern', Balkan drug route was disrupted by war, occasional interceptions of the opiates still happened. For instance, in 1997 a large consignment of heroin (350 kilogrammes) was seized at the Bulgarian border by the Yugoslav customs (Anastasijevic 2006: 3).

Central Europe) a considerable increase in heroin consumption by the local population was observed since the early 1990s (Council of Europe 1999; also Seward 1993).

Apart from the visible upward trend in the heroin-related traffic that is identified based on the interceptions of Balkan heroin consignments by European police, the increased Balkan-related heroin trade in the Community/Union in the 1990s is also corroborated by police data based on the arrests of indigenous Western Balkan nationalities for the respective crimes. The penetration of indigenous Western Balkan crime syndicates to Western Europe was especially facilitated in the 1990s by the constant influx of Yugoslavian immigrants. The first wave of immigration, especially to Germany, Switzerland, and Scandinavia happened already in the earlier decade of the 1980s and continued in the first half of the 1990s. Since the mid-1990s, immigrants were flowing already to the whole of the EU from the regional warfare in ever growing quantities (Köppel and Szekely 2002: 129). With such a rapid growth in the EC/EU of the ethnic Western Balkan diaspora, the indigenous Balkan criminal groups quite quickly and effectively established their operational bases on the EC/EU's territory, and many of their representatives became subsequently engaged into the unlawful business of drug distribution and traffic. Particularly Albanian smugglers became a prominent group in the European drug market in the 1990s, and gradually replaced Turks (who previously dominated the market) (ibid: 135). According to the UNODC (2008: 10-13), in the warfare period, the role of ethnic Albanian smugglers has increased to such an extent that they controlled up to a 70% (or even larger) share of the heroin trade in the key destination markets in Europe.

Specifically, in the 1990s, police of many Western European countries reported the rapidly expanding presence of Albanian organized crime in their jurisdictions. Western Balkan heroin dealers, especially Kosovo Albanians, were particularly active in the 1990s in Italy, Germany, the Netherlands, France, Austria, and Switzerland.¹⁴⁴ According to J. Storbeck, Albanian ethnic clans were prominent in the heroin business both in Germany and in wider Western Europe during the 1990s (I8). According to Austrian police authorities, by 1998, more than 90% of heroin was smuggled to the country through the Balkan route. In the 1990s, Yugoslav traffickers also

¹⁴⁴ Usually, these were representatives of the so-called '15 Families', the territorially divided clans consisting of representatives of guerrilla troops of the Kosovo Liberation Army (KLA). By 1997, the KLA almost totally dominated the illicit market of heroin passing through Kosovo. In the 1990s, these Kosovo-Albanian criminals were well-known to the Western European law enforcement agencies and many of them were successfully imprisoned for drug smuggling [Hajdinjak 2002: 27; also confirmed by J. Storbeck (I8)]. In 1997, Interpol reported that 14% of all apprehended for heroin smuggling in Europe were Albanian-speakers, and on average, 120 grams of heroin was found in their possession, as compared to two grams that the average non-Albanian trafficker was arrested with. In Germany, Austria, Switzerland, and the Czech Republic, Kosovo-Albanian criminals were in charge of over 70% of an overall amount of heroin sold (Hajdinjak 2002: 28).

gradually took over the Turkish groups in Switzerland and became leading figures in the illicit heroin business in this country. Thus, according to D. Anastasijevic (2006: 4), by the late 1990s, ethnic Albanians were in charge of about 80% of the Swiss heroin market. The wide-spread presence of Albanian heroin dealers was acutely felt in the 1990s, even in the hitherto relatively unaffected Nordic countries. To illustrate, according to the CoE, Swedish law enforcement authorities reported in the late 1990s that Kosovo Albanians were responsible for bringing ‘significant amounts of heroin’ to Sweden (Council of Europe 1999). Likewise, according to the 1999 CoE report on organized crime in the EU member states (situation of 1998), groups with an ethnic background in the former Yugoslavia almost overwhelmingly controlled the professional smuggling of heroin to Denmark by the end of the decade (ibid).

Besides heroin, the growing presence and impact of the Balkan-linked crime in the European market of psychotropic substances in the 1990s occurred in the category of cannabis drug, which is ‘the largest illicit drug market’, according to Europol (2008). While Morocco is traditionally the major producer and supplier of cannabis to Europe (namely, the derivative thereof – the cannabis resin or hashish),¹⁴⁵ the Western Balkan region also emerged as a major supplier of cannabis to Western Europe in the 1990s. In particular, two regional countries emerged in the 1990s as both transit zones and producers of cannabis (especially of herbal type) destined for the European markets: Croatia (ibid) and Albania (especially the latter’s southern regions).¹⁴⁶ In their turn, Greece and Italy acted in the warfare decade as principal transportation zones for the major bulk of the Balkan-derived cannabis intended for European consumer markets.

According to available statistical data, the decade of the 1990s witnessed a constantly expanding role for the Western Balkans in the European ‘cannabis business’. First of all, the overall seizures of cannabis herb in Western Europe significantly increased since the mid-1980s onwards – with the trend lasting well until the very end of the 1990s. To illustrate, according to the UNODC, while in 1987/88 seizures in cannabis herb as a percentage of total in Europe stood at 1.5%, in 1997/97 – the seizures already stood at 7.7% (UNODC 2000: 47). As to the real figures, according to the UNODC, whereas in 1994 1,100,536 kilograms were seized in Western Europe, in 1998, the figures already reached almost twice as much of this volume – namely, 1,888,444 kilograms of herbal cannabis (ibid: 170). According to Storbeck, the significant portion

¹⁴⁵ Accordingly, Columbia with its herbal cannabis, or marihuana, traditionally ranked second in the European cannabis trade (Europol 2008).

¹⁴⁶ In addition, BiH became (albeit a minor as compared to Croatia and Albania) producer of cannabis in the 1990s. However, marijuana produced in BiH was intended first of all for intra-regional consumption. Some portions of the Bosnian herbal cannabis were also, however, smuggled during the ‘warfare decade’ to the European consumer markets, mainly through Croatia and Slovenia (Hajdinjak 2002: 43).

of these seizures is attributed to Albania, the country that in the 1990s turned into the major cannabis producer site in the whole of the South-Eastern European region, although some part of cannabis arrived to Western Europe also from Afghanistan (I8).

Finally, even though the cocaine drug smuggled through the Western Balkan region has always been quite insignificant in terms of its overall amount, particularly in comparison to heroin and cannabis, it is known that in the 1990s, the Western Balkan region also turned into one of the cocaine smuggling centres. This had negative consequences for internal security in the Community/Union. Little accurate data is available on both seizures and use of this type of drug in the indicated period in Western Europe. However, as is the case with the afore-mentioned two drug types, an increase in the Western Balkan-connected cocaine smuggling was registered by police in Western Europe during the warfare period. For instance, according to the CoE, cocaine seized in the EC/EU member states in 1990 amounted to 15 tons only, whereas in 1998 – to 36-37 tons already (Council of Europe 1999). Based on data collected from the law enforcement agencies of Western European countries, in 1998 the CoE reported that ‘in recent years there have been substantial seizures of cocaine in the Balkans and in East and South East Europe, pointing thus at the growing transit role of these regions’ (ibid). In particular, as some researchers point out, Albania became one of most important distributors of the South American-linked cocaine in Europe, with drug arriving either directly to Albania (through the Tirana airport (Politi 2001: 55)), or to Greece (with its huge Albanian immigrant community), being afterwards transported directly to Western Europe (Hajdinjak 2002: 30). Additionally, the CoE corroborated the growing role of the Western Balkans in cocaine supplies to the principal European markets based on the increased arrests of indigenous Albanian couriers in the 1990s. The latter, as the CoE shows, became major figures in the cocaine business alongside Colombian criminals, formerly the dominant group in the market (Council of Europe 1999).

To summarize, in the 1990s, due to the deteriorating security situation in the Western Balkan region and because of growing drug production in the sites of origin, the role and significance of the Balkans in the European market of illicit drugs expanded considerably. As data above has demonstrated, the Balkan-linked narcotics rapidly spread on the Union's territory with detrimental consequences for the domestic security of the EU.

3.1.2. *Traffic in Human Beings*

Illicit trafficking in human beings (THB), or criminal migrant smuggling, represents another significant category of organized crime that thrived in the Western Balkans in the 1990s. As a direct consequence of rampant warfare and massive displacements of populations, the region emerged as a key transit route for the illicit traffic and trade in persons to the territory of Western Europe, with respective destabilizing consequences for the European security.¹⁴⁷ While by definition people smuggling is a multidimensional type of crime,¹⁴⁸ in the specific case of the Western Balkans, this form of organized criminality is represented by its two main sub-types. The largest group of the Balkan-related THB phenomenon (up to 80%) make women and girls trafficked for sexual exploitation,¹⁴⁹ while the second group of all trafficked through the region are illegal immigrants for work purposes (immigrants of both local origin and foreign nationalities).¹⁵⁰ While virtually all the EC/EU member states became affected in the 1990s by the phenomenon of Balkan human trafficking and ancillary crimes, especially wealthy Western European consumer countries – first of all Germany, Greece, Italy, the Netherlands, but also Austria, Belgium, France, Spain and the United Kingdom – became the most popular destination sites for the trafficked persons. Additionally, European countries with a traditionally large Balkan diaspora, such as Italy, Greece, the Netherlands, and Germany, became major staging posts for operation of indigenous Western Balkan criminal cartels specializing in the unlawful trade and traffic in humans (UNODC 2008; 2010a).

The shortage of data on the indigenous (i.e., Western Balkan-related) phenomenon of illegal human traffic makes it hard to estimate the exact impact of the Balkan THB crime on the security

¹⁴⁷ As a result of dire situation with the regional human traffic, most Western Balkan countries were classified as occupying in the 1990s the lowest (third) rank of the U.S.-defined annual trafficking in persons' three-tiered scale. These standards were developed on the basis of the U.S. Trafficking Victims Protection Act of 2000, where Tier One ranking reflects full compliance with the Act regarding 'minimum standards for the elimination of trafficking'; a Tier Two ranking is granted for countries that have not met minimum standards, but are making 'significant efforts to bring themselves into compliance'; and a Tier Three ranking is applied to countries who are not making 'significant efforts to bring themselves into compliance' (Friman and Reich 2007: 13).

¹⁴⁸ The 2000 UN 'Palermo Convention' defines 'trafficking in persons' broadly as 'recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation'. 'Exploitation' is defined in the Convention as 'the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs' (United Nations 2004).

¹⁴⁹ Women and girls conventionally make up the largest group in the overall proportion of persons illegally trafficked world-wide. Estimates of the exact proportion of this group in the larger phenomenon of human trafficking vary from 75 per cent of all trafficked – to up to 80% (UNODC 2008: 80; also Friman and Reich 2007: 2).

¹⁵⁰ To this category belong especially Turkish, Chinese, Iranians, Pakistani, Bangladeshi, Iraqi, and Afghan nationalities (Hajdinjak 2002: 47).

situation in Europe in the mentioned period. The absence of accurate statistical information in the Western Balkans' case is explained by several reasons, first of all by the fact that THB traditionally represents one of most clandestine categories of organized crime.¹⁵¹ In addition, the collection of data regarding the role of Western Balkans in the European THB phenomenon in the relevant period was obstructed by the fact that in the 1990s, especially in the second half of the decade, the Union was almost completely preoccupied with the THB phenomenon with links to the CEECs (since it was preparing for its eastward enlargement).¹⁵² At the same time, even though statistical data regarding the scale of indigenous Western Balkan THB problem in Europe in the 1990s is only marginally available, it is known that as a significant corridor for human traffic – with both local/intra-regional and larger European significance – Western Balkans emerged only in the decade of conflicts. Unlike Balkan heroin trade phenomenon that dated back to the decade of the 1970s (or even earlier), the Western Balkan-related human traffic thrived and further reached massive proportions with the 'tectonic shifts in socio-political landscape' resulting from the violent fragmentation of Yugoslavia and the advent of major conflicts in the post-Yugoslav space (UNODC 2008: 47). Protracted warfare, political and economic instability, and disruption of social fabric in the Balkans were key factors catalyzing the massive dislocations of people both inside and outside the region. As a consequence, during the 1990s, two major human smuggling routes emerged in the larger Balkan region: the most popular and significant land route leading from Bulgaria and Romania through Serbia, BiH and Croatia to Slovenia, and from there to Italy and Austria; and the second major route leading across the Adriatic Sea: from Bosnia, Serbia and Bulgaria via Macedonia to Montenegro and Albania – and further to Italy, and other Western European countries (Hajdinjak 2002: 48).

Smuggling of illegal migrants for work purposes with indigenous Western Balkan origin forms the first category of the larger Balkan-linked THB phenomenon. In the 1990s, this category of crime significantly expanded in size in the Balkans and became prominent also in the EU. The dramatic rise in smuggled persons from the broader South-Eastern European region was recorded in large European states already in the early 1990s.¹⁵³ Even though exact estimates on the extent of

¹⁵¹ The standard identification rate of victims of human trafficking, according to the existing evidence, can be up to five per cent only (European Commission/Council of Europe 2007: 24; also Friman and Reich 2007: 11).

¹⁵² In the 1990s, centralized European attempts at monitoring and evaluating implications of the Balkan-related THB for European security were limited. The first professional assessment dedicated specifically to the Balkan THB phenomenon was released by Europol only in 2006. Wider international community became preoccupied with the Balkan THB threat also only in the 2000s: for example, the first annual report of International Organization for Migration on the phenomenon of South-Eastern European THB was released in 2003 (IOM 2003).

¹⁵³ Notwithstanding absence of exact figures available for the Western Balkans as such, illicit migrant smuggling from this region in the 1990s was a large-scale phenomenon that was recognized by law enforcement authorities of the EC/EU's member states and the European Drugs Unit. In particular, J. Storbeck pointed at the magnitude of the

the problem at that period are hardly available, and assessments are complicated by a frequent confusion of two different phenomena – irregular migration and immigrant smuggling as such – it is known that the Western Balkan-related crime of illicit migrant smuggling reached its peak during the war in Bosnia when a massive exodus of refugees from the Western Balkans to the European ‘safe heavens’ was recorded.¹⁵⁴ The origins of the hereafter constantly growing Balkan THB can be thus traced to the 1992-1995 period and to the ‘lucrative business of ‘assisting’ refugees to escape from the war zones to safety’ (Hajdinjak 2004: 16). Another peak of illegal migration both to and from East and South-Eastern Europe was the year 2000, when 270,000 people were apprehended at the borders of 20 countries in Central, Eastern and South-Eastern European regions, for which data are available (UNODC 2008: 81). In short, according to the existing data, the Balkan-related illegal migration was on a steady growth throughout the whole 1990s and aside from the Balkan nationalities, due to the warfare conditions and poor border controls, in the mentioned period the Balkan region also emerged as a transit route also for scores of undocumented migrants from Asia and Africa (e.g., Antonopoulos 2008: 316; also Storbeck I8).

The existing research attributes the logistical organization of this type of illicit market in Europe to the indigenous Western Balkan criminals (and also to other foreign criminal syndicates). Thus, according to J. Storbeck and also the CoE, particularly the Kosovo-Albanian diaspora and criminal formations acted as principal facilitators of this criminal enterprise in Europe during the conflicts’ phase (I8; Council of Europe 2002). In addition, transnational criminal groups with origins in Serbia and Montenegro were prominent in Western European markets in the indicated time-span (ibid). By the beginning of the 2000s, the CoE reported a wide presence in the Union of strong and violent trafficking organizations, with the Western Balkan, especially Albanian and Kosovar origin, with Belgium, France, Italy, the United Kingdom, and also other EU countries, as their primary operation bases (ibid). Furthermore, according to the information provided to the CoE by police authorities of European countries, Western Balkan-linked criminal syndicates were responsible for the recruitment and transportation of persons, *inter alia*, for sexual exploitation, to the developed markets in Western Europe (ibid). In some cases, smuggling of illegal migrants developed alongside the trafficking in narcotics and with

problem, suggesting that the proportion of Western Balkans in the overall volume of the South-Eastern-connected migration to the Union was very high at that time (I8).

¹⁵⁴ By the end of war in Bosnia, an estimated 2.2 million people had been displaced, among which one million was internally displaced, while the rest took refuge in neighbouring countries or in Western Europe. Approximately 700,000 persons from the former Yugoslavia received ‘temporary protection’ in Western Europe at that time (Blitz 2006: 249).

involvement of locally based mafias as, for example, was the case with the Albanian smuggling to Greece and Italy.¹⁵⁵

Even though estimates of exact numbers of migrants that were in the 1990s illegally trafficked from the Western Balkans to the EU vary, the existing accounts are sufficient to confirm the overall trend towards a large-scale and constantly expanding illicit migration from the region to the Union during the 1990s. For instance, as concerns Greece, the most popular destination country for the Albanian illegal migrants, a total of 720,000 Albanians is estimated by the UNODC to have immigrated to this country between 1989 and 2001. This number accounted for a vast majority of (the-then) Albanian population (UNODC 2008: 45). G. Papanicolaou, referring to the available statistics from the Greek Ministry of Public Order, reported 167,204 deportations of illegal Albanian nationals by Greek authorities between 1991 and June 1992 only; while a total of 948,956 Albanian nationals were repatriated from Greece between 1991 and 1995 altogether. Taking a broader temporal perspective and referring to Greek authorities, he mentions that between 1990 and 1996 as much as 1.1 million Albanians were deported from the country (Papanicolaou 2008: 403).

As regards human traffic from the Western Balkan region to Italy, another major destination site for the Albanian smugglers in the 1990s, M. Hadjinjak (2002: 50), referring to the Italian authorities, estimates that from 500,000 up to a million illegal immigrants were shipped to Italy during 1991-2001/2002, mostly through the Adriatic Sea. These large-scale illicit migrations often occurred in waves: for example, after the 1997 financial crisis in Albania, Italy experienced a major inflow of illegal Albanian immigrants (Sagranoso 2001: 51). Likewise, even with still quite fragmentary data available, it is known that both Serbia and Montenegro emerged in the 1990s as major transit zones for illegal Chinese immigrants to Western Europe, due to the-then absence of visa requirements for Chinese citizens (Hajdinjak 2002: 48). The same holds true for Bosnia and Herzegovina where similar absence of visa requirements for Iranians turned this country into a significant corridor for unrestricted entry of immigrants with an Iranian origin into Western Europe (*ibid*).

In the 1990s, the Balkan region also emerged as a major origin site for the unlawful trafficking of women and children into Western Europe for prostitution purposes. The phenomenon of a large-scale ‘migration prostitution’ was, once again, new to the South-Eastern

¹⁵⁵ Thus, close cooperation between Albanian groups with Italian mafia-type associations in Italy was reported in the 1990s by the Italian police (Council of Europe 2002; also Hajdinjak 2002).

(as well as broader Eastern) Europe: it was part of a wider transnational labor movement, including the movement of sex workers, that especially thrived in difficult socio-political conditions of the post-communist period (UNODC 2008: 74; also Friman and Reich 2007). The newness of this type of crime to the region can be, *inter alia*, confirmed by the fact that before 1989 most foreign prostitutes working in Western Europe were recruited from Asia, South America and Africa (European Parliament 2000), and only since the early 1990s, the Western Balkan region turned into a major supplier of sex workers to the lucrative European markets.¹⁵⁶ Particularly Greece, Italy, and the Netherlands emerged as major destination countries for ‘sex workers’ with an ethnic Balkan background in the 1990s.

As reported by the UNODC, throughout the whole 1990s, the Western Balkans functioned mainly as a transit zone of sex traffic, with the greatest sources of supply (the CIS countries) and demand (Western Europe) lying outside of this region (UNODC 2008: 74). In fact, as some studies indicate, in the 1990s, the Balkan-based human traffic was almost totally dominated by women from wider Eastern Europe, accounting in total for up to 89% of the overall human trade into Western Europe (Köppel and Szekely 2002: 137). However, especially after the termination of military activities in the former Yugoslavia, trafficking of indigenous Western Balkan women both from, into, and through the South-Eastern European region increased rapidly, with first of all Belgrade, but also Macedonia and Albania, turning into main transit sites for the trafficked women (Hajdinjak 2002: 52). In addition to Eastern European (Romanian, Bulgarian, Ukrainian, Moldovan, Russian) nationalities, a continuously growing flow of indigenous Western Balkan, particularly Albanian, women to vice markets of Western Europe was recorded in the 1990s.

As is the case with illicit migrant smuggling, the illicit sex industry involving native Western Balkan women thrived in Europe in the 1990s especially in two countries – Italy and Greece. In fact, it is these countries that during the indicated period had the lion’s share in the overall Balkan-connected sex trade in the EU. To illustrate, according to the statistical estimates of the Albanian Council of Ministers, during the 1990s, over 100,000 Albanian women and girls were trafficked to Western Europe, with the majority of them being simply kidnapped and sold by mafia clans across the border to the neighbouring Greece and Italy (Hajdinjak 2002: 53; also Hysi 2007: 98). The UNODC demonstrates that in the 1990s Italy turned into a prime destination for the Albanian female prostitutes – these, in general, made 40% of all female victims in this type of

¹⁵⁶ Europe is the main world’s ‘recipient’ of women-victims of the ‘vice business’: according to the UNODC (2010a: 40), at least 95 nationalities are being trafficked to the EU’s territory with the purpose of sexual exploitation, which is more than any other known destination.

unlawful business in Italy during the mentioned decade (UNODC 2008: 79). An almost similar picture is true of Greece, where a large niche of the victims of the vice trade during the years 1990-2000 was occupied by the Western Balkan nationalities, according to the Greek researchers. They were forwarded to the prostitution markets of particularly northern part of Greece by the regional, particularly Albanian, but also other native Balkan, transnational criminal networks specializing both in drugs and in human smuggling. Thus, G. Papanicolou (2008: 391-392) refers to over 80% of 23,000 women (who during the 1990s worked in the prostitution sector in Greece) as falling under the category of victims of trafficking. Most of these, according to the analysts, were transported to Greece from Eastern and Central Europe, including Romania, Russia, Ukraine, Bulgaria, and Moldova, and also from Albania, pointing thereby at the Western Balkans as one of important – both transit and origin – zones for the trafficked persons. Similarly to Albania, Serbia acted in the 1990s as another significant source country supplying Serbian girls (particularly of Roma origin) to neighbouring Italy and Greece, but even more so to Cyprus, Germany and the Netherlands (Hajdinjak 2002: 52).

In summary, as follows from the data presented above, the security situation in the Western Balkans in the 1990s was characterized by the constant increase in THB-related crime. The Balkan-related crime of illicit human smuggling also proliferated in the European Union, thereby having a negative effect on the Union's domestic security.

3.1.3. Illicit Traffic of Small Arms and Light Weapons

The Balkan-connected illicit trafficking and export of firearms, especially small arms and light weapons,¹⁵⁷ is the third category of organized crime that in the 1990s was characterized by the continuous upward dynamics, both domestically inside the Balkans and in the EC/EU. As this crime usually proliferates in countries emerging from violent conflicts, no wonder that illicit trafficking and trade in arms turned into an especially acute problem for the Balkans that experienced in the 1990s a series of internecine wars. What is understood by the phenomenon of arms traffic does not represent, however, any homogenous type of crime and can include, according to J. Arsovska and P. Kostakos, such sub-categories as profit-oriented arms trafficking

¹⁵⁷ The United Nations' definition of SALW makes a distinction between 'small arms' designed for personal use – and 'light weapons' designed for the use by several persons serving as a crew. The category of small arms includes, in particular, revolvers and self-loading pistols, rifles and carbines, submachine guns, assault rifles, and light machine guns, while the category of light weapons comprises heavy machine-guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of calibres of less than 100 mm. Ammunition and explosives also fall under the SALW category (Davis, Hirst, and Mariani 2001: 10).

by organized crime groups; trafficking of arms for the purpose of arming criminal-terrorist formations; and state-sponsored illegal arms trafficking (Arsovska and Kostakos 2008: 352). Since the 1990s, all of the afore-mentioned types of weapon traffic became wide-spread in the Balkans and professional threat assessments of Europol – such as OCTA reports – subsequently routinely mentioned ex-Yugoslavia as one of major sources of the illicit firearms traffic to the Union's territory. Ethnic Albanian and other Balkan-based organized criminal organizations, according to Europol, were at the forefront of a wider problem of the illicit SALW trade in the Union in the indicated time-span.

Compared to trafficking in drugs and human beings, the illegal trade in weapons represents the least clandestine type of organized criminal activities. This is because the illicit flows of SALW are much easier to document than other forms of crime.¹⁵⁸ Nevertheless, even today very little systematic data is available on the real scale of arms trafficking into European territory from the Western Balkans in the 1990s, and even less could be said with accuracy about the involvement of native Western Balkan criminal cartels into the unlawful trafficking of weapons to the Union during that period.¹⁵⁹ At the same time, however, the available information, including that provided by the Europol's former director J. Storbeck, is sufficient to confirm that the 1990s, and especially the second half of the decade, became a heyday of the Balkan-related SALW traffic and trade in the EU (I8). In the early 1990s, especially during the Bosnian War of 1992-1995, the Balkan-linked SALW traffic was mainly characterized by the large-scale intra-regional trade for political and state-building purposes (the third sub-category of the above-mentioned classification). As soon as international community imposed wide-ranging sanctions on the belligerent sides in the Balkans, the embargo-affected republics started to actively purchase weapons from the overseas suppliers (mainly from sponsors in South America, South Africa, Middle East, and the former Soviet Union (Hajdinjak 2002: 8-19). The situation became even more severe with the start of an extensive internal production of weaponry, as numerous factories were set up in the region (particularly in the first half of the 1990s) to arm the warring sides, and because the illegal SALW trade was *de facto* legitimized by corrupted political elites in the warring republics (I8). Since the mid-1990s, the regional SALW trade escalated further as a consequence of the 1997 political crisis in Albania, resulting in a massive looting of arms

¹⁵⁸ All manufactured weapons contain unique serial numbers that can be easily traced back to the manufacturer (UNODC 2010a: 130).

¹⁵⁹ T. Spapens explains the lack of precise data on the scale of illegal arms and weapon traffic to the EU in the 1990s by the fact that unlike arms of mass destruction, or conventional army equipment (e.g. heavy cannons, tanks, combat aircraft), trade in SALW still remained unregulated at an international level during that decade (Spapens 2007: 360).

depots,¹⁶⁰ and also with the 1999 crisis in Kosovo, during which all sorts of weapons and ammunition were looted by the local population from the Yugoslavian storehouses (Hysi 2004b: 554).

As a consequence, illicit trade in weapons reached unprecedented proportions in the whole of the Western Balkans in the 1990s, mainly under the pretext of political state-building purposes, with the region finally turning into a significant corridor for the passage of illicit arms to the EC/EU. During the warfare in the former Yugoslavia, all countries of the Balkan region were to a lesser or bigger extent involved in the trade and trafficking of weapons in open violation of international embargoes: first of all Croatia, BiH, and Serbia as immediate parties to the conflict, but also Albania and Macedonia as mediators (Hajdinjak 2002).

After the end of major hostilities in ex-Yugoslavia, an inward-oriented arms trafficking in the Balkan region (except for Kosovo) decreased radically. At the same time, the accumulated illicit weapons in the situation of destabilized statehood and continuing anarchy contributed to the spread of SALW-related trade on the EU's territory. Both former Yugoslavia and Albania became major sources of weapons smuggled into the Union in the 1990s, according to researchers (Sagranoso 2001: 55). As the illicit SALW market inside the Balkans became already oversaturated by that time, the arms started to penetrate to the EU, first of all to the Union's member states situated in the geographical vicinity to the Balkans. Especially since the mid-1990s, after liberalization of movement in commodities and persons inside the Balkans, the state-sponsored intra-Balkan weapon smuggling gave way to the externally-oriented SALW traffic by criminal syndicates for profit, and also for the purposes of arming criminal-terrorist formations (first and second categories of the afore-cited J. Arsovska and P. Kostakos' classification). Geographically, the Balkan arms were smuggled into the Western European markets through two main routes: the first passing from Serbia and Croatia to Western Europe via Slovenia and Austria to Germany; the second passing through Albania across the Adriatic into Italy and the other Union's member states, including Switzerland, France, the Netherlands, and Belgium (ibid: 45). In connection with this growing SALW trafficking phenomenon, law enforcement authorities in the Western Balkan countries registered a general upward tendency in the SALW smuggling both inside the region and in the direction of Western Europe. Also, growing arrests of trafficking rings specializing in handguns, assault rifles, and explosives were reported by the Balkan police

¹⁶⁰ Specifically, according to J. Arsovska (2010: 12), more than 550,000 small arms, 839 million rounds of ammunition, and 16 million explosives from army stockpiles were looted by the population during the Albanian anarchy, finding their way to the hands of KLA.

authorities (Anastasijevic 2006: 12; Davis, Hirst, and Mariani 2001: 23; also Council of Europe 1999; 2000). Similarly, with the surplus SALW from the Western Balkans increasingly penetrating to the Union, police authorities in the EU's member states reported on the Balkan weaponry finding its way into the hands of both local and foreign criminal organizations.

For example, according to D. SAGRANOSO, since the mid-1990s, police of the large Union member states – first of all the UK, Austria and Germany – registered numerous criminal incidents related to the illicit trade and traffic in arms with origin in the Western Balkans. Weapons of especially Croatian, Bosnian and Serbian origin were found in the possession of criminal gangs operating at the territory of European countries. These weapons were used by both local and foreign organized crime syndicates and individual criminals in commissioning various crimes (SAGRANOSO 2001: 12). For instance, in 1997, German authorities stated that the shipment containing 33 Yugoslav machine guns was seized at the German border (ibid: 16). According to Belgian law enforcement authorities, among foreign organized crime groups involved in trade in illicit SALW in the country at the end of the 1990s, both Turks (8.2%) and the ‘former Yugoslavs’ (5.9%) were particularly active (ibid: 18). In addition, one of the largest European SALW markets emerged in the 1990s in the Netherlands, with numerous Yugoslav weapons (transited from Croatia, Serbia, Albania) reported by police to be in possession and use of the Belgian Yugoslav residents. Accordingly, these weapons were reported to be regularly confiscated by the Dutch police officials, as confirmed by D. SAGRANOSO (ibid: 15-16). Both in Austria and in Switzerland, several major cases of illegal arms trade with origins in the Western Balkans were uncovered by the police authorities in the second half of the 1990s.¹⁶¹

J. ARSOVSKA and P. KOSTAKOS indicate that the same disturbing trends were typical also for France, where SALW were reported as increasingly entering the country from the territory of former Yugoslavia. According to them, ‘Pistols, assault rifles and even rocket launchers [...] turn up in France ever more frequently since the collapse of the Soviet Union and the Balkans conflicts [...] falling prices prove that these arms are becoming more and more numerous’ (as cited in ARSOVSKA and KOSTAKOS 2008: 354). In the 1990s, illicit Yugoslav weapons were also reported to be increasingly found in the possession of some European-based terrorist organizations. For instance, in 1999, British home security services testified about a virtually continuous flow of the illegal Balkan weapons into the UK’s territory – these weapons presumably belonged to the KLA. In addition to KLA, the Real IRA became a major consumer of weapons trafficked from the

¹⁶¹ For specific cases of large interdictions of the Balkan-related SALW in Switzerland and Austria since the mid-1990s see, e.g., KÖPPEL and SZEKELY 2002: 136.

former Yugoslavia during the mentioned period, as D. SAGRANOSO (2001: 13) demonstrates. Accordingly, the Basque ETA movement heavily increased its weapons arsenal in the second half of the 1990s – mainly due to the supplies of illicit SALW from both BiH and Croatia (Curtis and Karacan 2002: 11).

Since the mid-1990s, especially Italy and Greece, as EU countries neighbouring the immediate conflict zones in the Balkans, turned into major hostages of the illicit SALW flow from the Western Balkan region. After military storehouses were raided during the 1997 Albanian crisis, all sorts of the Yugoslav SALW started to increasingly seep from Albania to Greece. The growing concentration of illicit Yugoslav arms and ammunitions in Greece is evident from the large quantities of firearms and explosives that the local police seized in that country at the end of the 1990s. According to the official statistical data of Greek law enforcement authorities, with the cessation of hostilities in the former Yugoslavia, a large-scale influx of illegal weapons (from 350,000 up to 400,000 units of both Yugoslavian origin, but also from the Soviet Union) was recorded in the country. Furthermore, as follows from the police data, the notorious Albanian criminal syndicates were among major agents of arms trafficking at the illicit weaponry market in Greece (Davis, Hirst, and Mariani 2001: 22). In a similar vein, already since 1993, Italian authorities started issuing alarming statements on the large quantities of the Balkan-related weapons that the police intercepted all over the country. In fact, in the 1990s, Italy turned into one of the biggest markets of illegal SALW trade with weapons of both former Yugoslavian and Albanian origin, and also into an important weapons' transit area (in the direction of both Western and Eastern European markets). According to Italian authorities, both Italian mafia and indigenous Yugoslav (particularly Croatian, but also Albanian) gangsters were the dominant organized crime groups involved into the trafficking and trade of weapons from the former Yugoslavia and Albania during the warfare decade in Italy. By the end of the 1990s, Italian police started to discover Yugoslav weapons destined for Belgium and Switzerland even in Sardinia, which before that remained relatively free of criminal activities associated with the SALW trade or other forms of the Balkan crime (SAGRANOSO 2001: 20-23).

To summarize, as follows from the foregoing analysis, the security situation in the Western Balkans during the period of the 1990s was characterized by the emergence (except for illicit heroin traffic that existed for already several decades before that decade), rapid intra-regional growth, and further geographical proliferation of organized crime. In contrast to Eastern European democracies, which managed to relatively quickly and effectively contain crime on their territories (18), the successor states of the SFRY and Albania were incapable of addressing the challenge of

criminality during the transition process. The protracted economic instability, large-scale ethno-political conflicts, and international embargoes were the principal factors contributing to turning the post-Yugoslav space into what was later labelled as an infamous ‘gangsters’ paradise’ (Mappes-Niediek 2003). The positive growth dynamics were typical for all three major categories of organized and serious crime examined in the present section: trafficking in drugs, people-smuggling, and crimes related to trade and trafficking in SALW. In the situation of rapidly deteriorating regional security environment, and due to the ineffective law enforcement and deficient border controls, crime started to ‘spill-over’ into the European Union, where sharp acceleration of the Balkan-linked crime was recorded at that period. After having discussed the situation with the regional crime and its impact on the European security in the phase of the 1990s, the next section turns to the analysis of the Western Balkan crime tendencies during the subsequent period of the 2000s.

3.2. The Impact of Balkan Criminal Phenomenon on the European Security Landscape in the 2000s

‘By the 2000s, the political situation in the Western Balkans was more or less settled, and reduction in several important forms of organized crime occurred’

Jürgen Storbeck

3.2.1. Trafficking in Narcotics

As described above, in the 1990s, the Western Balkans emerged and acted as a significant trans-European corridor for the transit of psychotropic drugs – mainly heroin and herbal cannabis – to the EU's territory. According to the presented data, among other forms of organized crime, the Balkan-linked trafficking and trade in these drug types represented a main threat for Western European security both in the first and second halves of the decade. However, already since the early 2000s, the situation with the Balkan heroin traffic markedly improved. According to Storbeck (18), even though in the 2000s the Western Balkan region continued to act as a major route for the passage of illicit narcotics to the EU, a dramatic change in the drug market in Europe during that period nonetheless occurred, with the overall role of the traditional Balkan drug route (including the traditionally strong Balkan-related heroin problem) diminishing in significance considerably in comparison to the 1990s. Storbeck maintains that the Western Balkans ‘were not

any longer an important passage for drug trafficking in the 2000s as compared to the 1990s' (ibid). Similarly, according to the UNODC (2008), the previous massive increase in the unlawful transit and trade in the Balkan drugs was a transitory phenomenon of the 1990s that flourished in the situation of acute instability accompanying the violent conflicts in the former Yugoslavia. As a result, once the Balkan cycle of warfare ended – so did favourable conditions for drugs. This implied that the situation with the Western Balkan illicit narcotics' traffic changed for the better for the EU also: even though in the 2000s the drugs from this region continued to penetrate to the lucrative Western European markets, this happened in much smaller quantities than before and a downward trend in the respective incidents of drug crime was registered by police authorities in Europe both during the early years and in the second half of this decade.

The diminishing significance of the Balkan-related drug trafficking and consumption in Europe over the longer 2000s' period can be proved both statistically and qualitatively. For example, as regards the pre-2005 phase, police authorities of large EU countries reported on an overall declining popularity of Balkan heroin among European consumers, which is one of indicators pointing at the diminishing role of a major Balkan corridor for heroin traffic.¹⁶² While in the 1990s, according to the EMCDDA (2008: 3), the situation with heroin use in Europe was close to epidemic, in the period between 2000 and 2005, in line with UNODC's data, the overall heroin seizures in both Western and Central Europe had generally declined by 30% (UNODC 2008: 60). In numerical terms, according to the UNODC, while aggregate heroin seizures in the countries of both Western and Central Europe in 2000 accounted for 11,619 kilograms, in 2005 this was already 8,214 kilograms (ibid). The declining heroin consumption in European markets is explained, according to Storbeck, by the rising popularity of both synthetic opiates (the Netherlands, Belgium, the UK and Baltic countries as main producers) and cocaine (of Latin American origin), especially among the younger generation: while the role of Balkan heroin was declining, these two drug categories outpaced heroin in the pre-2005 period by both popularity and an overall consumption (I8).

As far as the post-2005 period is concerned, Storbeck, as well as the EMCDDA, the CoE, and the UNODC confirm the declining popularity of the Balkan heroin in the EU. In most Western Balkan countries, a downward trend in the seized amounts of heroin was reported by the UNODC

¹⁶² In 2006, the CoE explained this by a general decline of the total area under opium poppy cultivation, which was the case also with global opium production, whilst global seizures of opiates (heroin, morphine, and opium) increased as a result of counter-drug initiatives that intensified elsewhere across the world. Worldwide, by mid-2005, an estimated area under illicit opium poppy cultivation decreased by 22% (Council of Europe/European Commission 2006: 28). This trend correlates with an overall decline in the heroin seizures observed in the late 2000s along the whole stretch of the longer 'Balkan route', with the only exception of Iran, as reported in 2012 by the UNODC (2012b: 30).

(2011: 5; also I8) as typical for that period. According to the specialized UNODC report on the drug situation in the wider South-Eastern European region, the annual seizures of heroin dropped between 2005 and 2010 in all Western Balkan states, except Kosovo, where the trend was on a slight increase during that time (for country statistics see UNODC 2011). The UNODC explains this situation by a general improvement of regional security situation after the termination of major conflicts. Furthermore, since after 2006 the traffic paths in South-Eastern Europe became increasingly reoriented from the Northern Balkan route eastwards to Bulgaria and Romania (due to their entry into the Union and hence less rigorous border checks than in the case of the traditional route passing through Serbia, BiH, and Croatia), this additionally points at the decreasing role of the Balkan heroin route (ibid: 11). It is this change of route that makes these two East Balkan countries, and not their Western Balkan counterparts, increasingly responsible for the continuing heroin interceptions in the EU in the post-2005 phase.

As regards the Southern sub-branch (Bulgaria-Macedonia/Kosovo – Albania – Italy), the transit of heroin along this route also diminished dramatically in the 2000s. Specifically, this was due to the large-scale anti-drug initiatives that both Italian and Albanian law enforcement authorities jointly undertook in the early 2000s (I5). Together with the diminished role of the ‘conventional’ Balkan route, the development (especially by the late 2000s) of alternative maritime routes through Africa and some Gulf States as staging posts for heroin trafficking in the direction of European markets (UNODC 2013: 22) was observed. This tendency also explains why in the 2000s the problem of the indigenous Western Balkan threat in the category of heroin crime diminished considerably for the Union. In fact, since the 2000s, these geographical areas started to occupy an ever larger role in the heroin supply to the lucrative Western European markets than the Balkans (ibid). Summarizing the overall situation with European heroin market in the post-2005 period, the joint EMCDDA/Europol report (2016: 19) concluded: ‘[...] the overall demand for this opioid drug [*i.e., heroin*] has contracted over the last decade [*i.e., since 2005/06*] and [...] there had been a long-term decrease in both the number and quantity of heroin seizures in the EU (until 2013)’. The afore-described developments demonstrate, in other words, that the overall significance of the Balkans as a primary route of heroin trafficking in the 2000s declined considerably.

In addition to the decreased intra-EU consumption of heroin and declined heroin seizures in the Western Balkans countries, the reduced *arrests* of native Western Balkan traffickers in the large European consumer markets is another indicator suggesting a tendency towards the diminished role of Balkans in the trans-European heroin trade. Thus, according to the UNODC,

Balkan criminal cartels, particularly Albanians, were no longer active in the European heroin trade in the 2000s to the extent they used to be in the 1990s (UNODC 2008: 66). Statistically, this trend is inferred from data supplied by the police agencies of major EU's countries that traditionally acted as major outposts for the Balkan-linked heroin business. In the 2000s, the police authorities of these EU states documented a general downward tendency in the arrests in their jurisdictions of both larger criminal networks and individual traffickers with the Western Balkan origin.

For instance, as argued in the UNODC report, the number of Albanian suspects responsible for heroin traffic identified in Germany dropped by almost 5 times from 2000 to 2006 (numerically, from 103 in 2000 – to 21 in 2006) (ibid: 69). Accordingly, the number of suspects of heroin trade of the Yugoslav (mainly Serbian and Macedonian) origin identified in Germany dropped from 719 in 2000 to 143 in 2006 (ibid: 70). As to the longer-term trend (2000-2008), according to the available data, the role of indigenous Balkan nationalities in the German market of heroin generally diminished: at this period they were making up a minority of arrestees in Germany, as compared to Germans (39%), Turks (19%), and other (unidentified) nationals (17%). The overall proportion of the Balkan nationalities (mainly Albanians and Serbs, but also 'other Balkan nationalities', possibly also from the Eastern Balkans¹⁶³) arrested in Germany for the heroin-related incidents between 2000 and 2008 did not exceed 12%, which was only the fourth place if compared to other major organized criminal groups, if defined by their ethnicity.¹⁶⁴

In the Netherlands, as the UNODC informs, the '[previously active] Balkan nationalities [were] conspicuously absent' in the 2000-2008 period (UNODC 2010b: 58). In Italy, where Albanians traditionally constituted the largest category of all arrested for the unlawful drug traffic and trade,¹⁶⁵ the number of Albanians arrested for heroin deals between 2001 and 2006 was also recorded as being on a decline – namely, from 494 in 2001 to 394 in 2006 (UNODC 2008: 66). If judged by the arrested perpetrators, the afore-mentioned decline is not significant, yet, if judged by the total seizures of heroin in Italy (in-between 2004 and 2006), an almost two-fold decrease of the

¹⁶³ The fact that 'other Balkan nationalities' comprised nationalities from the Eastern Balkans, i.e., Romania and Bulgaria, is additional evidence of a limited role of 'indigenous' Western Balkan nationals in this criminal business.

¹⁶⁴ Specifically, according to the UNODC (data of 2010), in the 2000s, heroin landscape in Germany was dominated heavily by both German and Turkish nationalities, while the share of ethnic Albanians in the heroin business remained rather negligent (three per cent). Out of all Balkan nationalities arrested for the heroin-related incidents at that time, Serbians accounted for four per cent, while other Balkan nationalities altogether stood for five per cent. From the latter is not clear whether the indigenous Western Balkan nationalities were present, or the figure accounted also for Bulgarians and Romanians. However, even with insufficient data, it is obvious that the presence of indigenous Western Balkan nationalities in the German heroin market was generally low during the period mentioned (UNODC 2010b: 58). This information is additionally confirmed by J. Storbeck: according to him, the role of heroin-related deals in the German market of illicit drugs in the 2000s decreased substantially by comparison to the 1990s (18).

¹⁶⁵ Thus, the total number of Albanians arrested for heroin trafficking in Italy in-between 2000 and 2008 was around 32%, the largest proportion of non-indigenous criminals (UNODC 2010b: 58).

overall volume of heroin traffic in the country happened (from 2,539 tons in 2004 to 1,323 in 2006 (ibid: 67)), which is an evident indicator of a decreased role of the Western Balkans in the Italian heroin market. According to a longer-term data provided for Italy by the Hungarian ‘Regional Chair for the Western Balkans’ (during the EU’s JHA Council meeting), a much more substantial decrease in the volume of Albanian heroin intercepted in Italy was recorded: from approximately 1100 kg in 2003 to only 2 kg in 2010 (Council of the European Union 2011c: 6), which is obviously a massive decline.

The number of Albanians/Yugoslavs arrested in Switzerland for heroin dealings similarly dropped in the mentioned phase – from 461 in 2002 to 269 in 2006 (UNODC 2008: 68). As for the UK, as stated in the UNODC report, ‘Balkan nationalities comprised negligible percentage of all heroin trafficking arrests’ (UNODC 2010b: 58). Furthermore, as regards Greece (even though Albanian perpetrators were mainly arrested there for the cannabis-related offences), a significant decline of intercepted illegal heroin was also documented for this country. For example, while the maximal share of heroin seized (by weight) from ‘ethnic Albanians’ in Greece amounted in 2003 to eight per cent, in 2006, the figure stood already at only one per cent. Among major EU states suffering from the Albanian heroin traffic, only Austria reported, by contrast to other countries, that the number of Balkan nationalities in the heroin traffic increased (in 2002-2006 period) (ibid: 70). Yet, the problem of heroin traffic in Austria cannot be put on the Balkan nationalities alone and numerically West Africans and Turks tended to be the most arrested national groups involved in heroin trafficking in this country, as the UNODC confirmed (ibid: 74).

In the 2000s, European police authorities also reported about the downward tendency in the illicit traffic and trade of the Western Balkan-linked cannabis. According to M.-P. Ratzel, in the decade of the 2000s, cannabis production went down in the Western Balkans (I6), which had a positive influence on European security. Similarly, according to the UNODC (2010b: 198), as is the case with heroin, the overall consumption of cannabis in most Western European countries in the 2000s (namely, 2003-2008 period) showed a ‘strong decline’, which points at the diminishing role of the Balkans in this illicit drug market in Europe. As noted earlier, in the 1990s Albania was one of leading countries responsible for the growth of cannabis and its derivatives, as well as the continuous traffic of this drug to the EU. Nonetheless, if judged from a longer-term perspective of the 2000s, with Morocco still being a main supplier of herbal cannabis to the Union (21% of all volume trafficked/1st place), Albania’s role in the supply of cannabis to European consumers considerably declined (to 2%/14th place; in the same period) (ibid; also UNODC 2008: 63-64; EMCDDA 2011: 41).

As already argued, the main bulk of Albanian-produced herbal cannabis and its derivatives is traditionally intended for just two EU countries – Greece and Italy. By contrast to the previous decade, in the 2000s, law enforcement authorities reported a substantial decline in the overall seizures of Albanian cannabis in these two states. For example, according to the EU's JHA Council regional report on the Western Balkans, the amounts of marijuana with Albanian origin seized in Italy dropped from 9258,782 kg in 2003 to only 65,525 kg in 2010, and the volume of Albanian hashish seized in Italy dropped from 172,236 kg in 2003 to virtually zero amounts in 2010 (Council of the European Union 2011c: 7). Obviously, this is a huge decline if compared to the early 2000s: the diminished role of Albania in the Italian cannabis market is obviously attributable to the extensive measures that the governments of both countries were undertaking since the early 2000s to address the problem of cannabis cultivation.¹⁶⁶

In general, Albania's significance in the wider market of illicit narcotics in Italy, including other categories of drugs, diminished considerably in the 2000s. The fact that the number of organized crime groups dominated by the Albanian nationals and responsible for drug-trade offences fell in Italy in the 2000s (as compared to the 1990s) is as an additional indicator of this trend (Council of the European Union 2011c). As regards the sub-category of cannabis resin, Albania's role in its supplies to the EU was in the 2000s quite insignificant: it is Spain that during this period remained the major supplier of this narcotic substance to the Union (five per cent of the cannabis resin production), followed by the Netherlands (also five per cent), and Turkey (three per cent), whereas Albania occupied only fourth place (two per cent).¹⁶⁷

Finally, as concerns the Western Balkans' role in the global cocaine business in the 2000s, limited data is available on the Western Balkan region's complicity in the illicit trade in cocaine at that period. It is, however, known that European cocaine market underwent a significant expansion in the 2000s in terms of both supply and demand (UNODC 2008: 62; also UNODC 2010b), and according to the UNODC (2010b: 88, 90), some Western Balkan (Albanian and

¹⁶⁶ These joint measures were truly unprecedented and included considerable tightening (by the Albanian government) of penalties for illicit drugs' trade, six-years' moratorium on the use of speed boats in the Albanian marine zone in the Otranto strait, eradication of cannabis cultivation plants, and intensified police cooperation with both neighbouring Italy and Greece (Council of the European Union 2011c: 3-5). As a result, already in 2007, the European Commission (2007: 46) mentioned in its Progress Report on Albania that the domestic cultivation of cannabis in the country had by that time dropped by 70%. The authenticity of this figure is further confirmed by the UNODC (2008: 64): according to the latter, since the law now criminalized failure to report cultivation (by the local civil and police authorities), the reduction was 'most likely a real one'.

¹⁶⁷ The figures are for the 2003-2008 period (UNODC 2010b: 186). As concerns Spain, in 1998-2008, this country reported the largest annual cannabis resin seizures worldwide (ibid: 190).

Serbian) criminal groups increased their presence in the European cocaine market in the 2000s. This data is confirmed by two Europol's former directors J. Storbeck and M.-P. Ratzel. Thus, according to Storbeck (I8), the level of the Western Balkan-linked cocaine trade and trafficking, especially via Montenegro and Albania, rose in the 2000s; while Ratzel (I6) emphasizes the growing role of the Romanian port Constanta as the entry point of cocaine to the Balkans since the early 2000s. At the same time, however, alternative assessments confirm that the overall role of the Balkans in the European cocaine business in the 2000s remained insignificant. The main countries responsible for the large-scale entry and seizures of this drug (70%; cocaine of South American origin) were in the 2000s Spain and Portugal, and to certain degree the Netherlands and Belgium, while incomparably less cocaine was entering the EU's territory through the Balkans at that period (UNODC 2010b: 83-85).¹⁶⁸ From the available accounts it appears that the amounts of this drug passed into the EU territory through the Balkans remained in the 2000s still rather insignificant for the region to play a genuinely large role in international cocaine supplies to the Union. Except for Italy, where Albanians dealing with cocaine trafficking and trade in the 2000s occupied second place after Moroccan nationalities (UNODC 2010b: 90), almost no indigenous Western Balkan nationalities were arrested for cocaine-related crimes in other large, affected EU states (data of 2008). And even concerning Italy, the overall amount of cocaine transited through Albania and afterwards seized in Italy dropped from 14,381 kg in 2003 to 0 kg in 2010, according to the EU's JHA Council (Council of the European Union 2011c: 7). Overall, especially if compared to the multi-ton trafficking directly to the seaports in Western and Central Europe, cocaine trafficking along the Balkan route to the respective European markets remained quite marginal in the 2000s, as was summarized in 2014 by the UNODC (2014: 9).

3.2.2. Trade and Traffic in Human Beings

Similar to the situation with the illicit trade in psychotropic substances, the Balkan-related trade and traffic in human beings also demonstrated downward tendencies in the 2000s. The cessation of the Balkan cycle of wars and the subsequent improvement of regional security environment explain why the reconstruction/EU-accession period witnessed a substantial decrease in the number of THB-related incidents both in the broader South-Eastern European region and within the European Union. According to J. Storbeck, although still acting as a transit route for illegal immigrants, in the 2000s, Western Balkans ceased to act as important region of origin for THB crime (I8).

¹⁶⁸ Jürgen Storbeck also confirms that most cocaine was procured to European markets in the 2000s not through the Western Balkans, but through the Iberian Peninsula (I8).

As noted previously, the first of the two most wide-spread categories of the Balkan-linked THB crime, smuggling of migrants, reached its height in the mid-1990s and continued, although at a smaller scale, throughout the second half of the 1990s. However, since approximately 2001/02 the influx of illicit refugees from the region to the EU diminished radically, and this downward trend continued well into the subsequent years of the decade. Already since the early 2000s, many former escapees started to return from Western Europe to their home countries in the Western Balkans and the existing research indicates that situation with the regional human traffic in the 2000s was radically different from the situation in the 1990s, when, for example, as much as 25% of Albania's total population emigrated to Italy and Greece.¹⁶⁹ The statistical confirmation of this downward tendency can be found in the UNODC report (2008: 81) according to which after 2000 the broader South East European region witnessed a sharp decline in the recorded human trafficking: the number of border apprehensions of illegal immigrants in the region dropped by 50% in just three years (in the 2000-2003 period). As to a longer temporal perspective, the number of migration-related apprehensions in the whole South-Eastern European region, according to the UNODC, decreased from over 40,000 persons in 2000 to less than 20,000 in 2006 (*ibid*).¹⁷⁰ Obviously, this reduction was a natural consequence of the end of the Balkan cycle of wars with their massive displacement of populations. In addition, this positive reduction trend can be attributed to the numerous counter-THB initiatives that were undertaken in the early 2000s jointly by the Balkan authorities (such as the SECI-SELEC Center-coordinated operation 'Mirage') and various international solicitors present in the region, including improved domestic border controls in the Balkan countries and various social projects targeting the root causes of illicit migrant-smuggling crime.¹⁷¹

The same reduction trend is also observable with respect to the illicit traffic in women and girls for prostitution purposes that, as noted earlier, constituted in the 1990s the largest sub-category of all Balkan-related THB crimes in the European Union. In the 2000s, however, the respective criminal practices subsided in the Balkan region and a considerable improvement of situation was reported by the police of regional countries concerning this category of trafficked

¹⁶⁹ Data for the 1991-2002 period (Hysi 2007: 99).

According to B. Blitz (2006: 261), already in the first two years after the 1995 Dayton summit, hundreds of thousands of Croatian and Bosnia citizens were sent back from Germany and, to a lesser extent, Austria. By 2001, this trend was also noticeable in the UK, which began repatriating large numbers of Kosovars who failed to qualify for asylum.

¹⁷⁰ Data is absent for Albania. The most dramatic decrease was observed in Croatia where the overall number of border apprehensions dropped since 2003 almost five-fold as compared to year 2000.

¹⁷¹ Hence, the trend cannot be put on the EU's security initiatives in the region, since, as will be shown in the next chapter in more details, especially before the mid-2000s, Euro-Balkan police cooperation was virtually absent (the respective activities intensified only in the post-2005/2006 period).

persons. The contemporary research also confirms that a considerable increase in sex market that was observed in the Balkans in the 1990s, leading to the 'spill-over' of this crime to the adjacent countries of the Union, was a transitory phenomenon typical for the 1990s, as it was connected with the extensive presence of international peace-keepers and other international personnel in the sites of former warfare. As soon as international troops of peacekeepers withdrew from the Balkans (after 2001-2002), a radical decrease in women trafficked both to and from the region was registered (Limanowska 2005). In 2006 and 2007, the CoE documented that human traffic for the vice industry in South-Eastern Europe had been on continuous decline already for several years by that time. As stated in the 2006 CARPO report, 'in terms of quantity, THB in SEE seems to be a 'marginal' crime area, that, in addition, appears to be declining or at least has become less visible' (Council of Europe/European Commission 2006: 41). The report pointed that fewer victims than before returned from the states of the region to their countries of origin, but more victims returned from the EU countries to their home countries (ibid: 40). The next (2007) CARPO report emphasized a similar reduction trend: 'THB in South-Eastern Europe appears to be declining or at least has become less visible ('micro-brothels') or pushed underground and increasingly recruitment and trafficking in the first stage takes place in the country of origin or nearby areas' (European Commission/Council of Europe 2007: 24). This is characteristic also of the dynamics inside the European consumer markets: the disappearance of favorable conditions for the vice industry in the Balkans had a positive effect on the intra-European situation with THB crime.

The case of Albania is particularly illustrative in this regard. As mentioned previously, in the 1990s, Albania was the frontline Balkan country in terms of people smuggling: an extensive outward-oriented trafficking of women and children for the purpose of sexual exploitation started in Albania in the early 1990s and boomed further during 1996-1998. However, according to V. Hysi (2004b: 549), the wave of external trafficking from Albania slumped afterwards, and this reduction trend continued well into the mid-2000s. As far as the post-2005 period is concerned, although in 2007 an externally-oriented human trafficking from Albania was reported as persisting, the existing data stands in fact for just negligent figures of the Albanian-related human traffic both in the country and in the EU. Thus, in 2005 the Albanian police reported only 81 victims of human traffic (intercepted domestically), and this figure further dropped to 23 persons by 2008, according to J. Arsovska (2010: 24).

As regards the overall phenomenon of the Balkan-related external trafficking in humans (*i.e.* both migrant-smuggling and sex-traffic categories), such indicators as the number of detectable incidents of criminalized THB in the main EU's destination countries additionally confirms the

afore-mentioned downward tendency. According to the existing data, the involvement of native Western Balkan nationalities in the THB-related criminal practices in the Union during the 2000s was extremely limited. According to Storbeck, Western Balkan criminal groups were 'no longer major masters of the THB crime in Europe in the 2000s' (18). Instead, in the mentioned period, as both Storbeck and other sources confirm, the Balkan-related human traffic in the European Union (in both victims and perpetrators' categories) was almost completely overtaken by just two nationalities from South-Eastern Europe: Romanians and Bulgarians, while the presence of ethnic Albanian and other Western Balkan nationalities was virtually negligent if compared with these two national groups. In connection to this, the UNODC (2012a: 11, 58) mentions that although victims of human traffic from the wider Balkan area indeed accounted for about 30% from the total share of victims detected in Western and Central Europe in the 2000s, the vast majority of these were Romanian and Bulgarian nationalities, and not indigenous Western Balkan criminals. According to the report, even though in the 2000s victims from the Western Balkans (mainly Albanians, Bosnians and Serbs) were present among those detected by police in the Western European markets in connection with this crime, this happened far less frequently, especially compared to their East Balkan counterparts (ibid; also UNODC 2008).

The situation with the THB problem in both Italy and Greece, two traditionally favorite destination sites for the Balkan-linked human smuggling, confirms the afore-mentioned data about the prevalence of both Romanian and Bulgarian victims of the THB crime in Europe, as compared to the indigenous Western Balkan nationalities (first of all Albanians), in the 2000s. In the 1990s, as argued before, Italy acted as a primary destination site for the trafficked persons from Albania (and a favorite operation zone of the Albanian-Kosovo THB cartels) (UNODC 2008: 79). In line with the UNODC, while Albanians made about 40% of female victims in Italy in the 1990s, by 2003 this figure dropped to 15% only (ibid). Such a low presence of native Western Balkan victims of human traffic in Italy in the 'reconstruction decade', by comparison to other Balkan nationalities, is further corroborated by the UNODC. According to the latter, starting from mid-2003 and until the end of 2006, the share of Romanian victims in Italy was 34%, while the share of Albanian victims remained at the level of two per cent only (and the overall share of victims from 'other Balkan' countries was four per cent) (UNODC 2008: 78). The 2010 UNODC figures prove a general downward trend based on a longer-term perspective of the situation in Italy: while the proportion of Albanian nationalities among the victims of human traffic detected in Italy in 1996 was 40%, in the 2000-2003 period this dropped to approximately 24%, and in the period of 2003-2007 the figure stood at around 14% (UNODC 2010a: 50). Even with statistical

discrepancies, police data available for Italy is clearly illustrative of an overall decline in the Western Balkans-related THB phenomenon in the 2000s.

Similar to Italy, Greece also acted in the 1990s as a significant destination country for the Albanian victims of THB crime and a primary site for operation of the Albanian traffickers.¹⁷² In the 2000s, however, its role in the European THB market significantly reduced: while in 1999 there were 38 trafficking victims specifically from Albania, by 2007, according to the country's police, this figure dropped to only one person (and no Serbian or other Yugoslav trafficking victims at all were found in Greece at the indicated period) (Papanicolaou 2008: 391). By contrast, the total share of victims of sex traffic from the Eastern Balkans increased in the country: while only two Bulgarian victims were detected in Greece in 1999, by 2007 the figure was already 15 persons. A relatively high share of Romanian victims of trafficking was also detected in Greece in the period between 1999 (22 victims) and 2007 (20 victims); in other words, according to the existing data, Romanians clearly took over the previously dominant groups of indigenous nationalities from the Western Balkan (ibid: 395). In general, most immigrant women recruited in the vice industry in Greece consisted mainly of victims from Eastern Balkan and other East European countries – particularly Romania, Russia, Ukraine, and Bulgaria (ibid: 396), while indigenous Western Balkan nationalities constituted only a minuscule share of the total pool of all persons trafficked.

Figures available for other European countries for the indicated time-span also confirm a strikingly low presence of victims of human smuggling with origins in the Western Balkans. Thus, the overwhelming majority of victims of the THB crime in Germany in 2005-2007 were Romanians and Bulgarians, with no victims from the Western Balkan republics detected at all (UNODC 2010a: 46). Figures available for the Netherlands – the European center of commercial sex market most frequently associated with the Balkan-based THB – also speak for the dominant presence of both Bulgarian and Romanian victims of (mainly sex-related) human traffic (UNODC 2008). From the data presented here it seems that either the overall percentage of the Western Balkan victims has been too small to be detected, or they were not present at all (UNODC 2010a: 51).

¹⁷² According to Papanicolaou, by 2000, local police authorities had reported that over 80% of the 23,000 women working in prostitution sector in this country fell in the category of victims of trafficking, and many of them were of the Western Balkan origin (Papanicolaou 2008: 391).

Statistical data available for the perpetrators of the THB crime provides extra evidence for the previously endemic Balkan human smuggling giving way to its decline both inside the region and within the Union in the 2000s. Once again, it is Eastern European nationalities (Romanians) that were most commonly detected by law enforcement authorities in Italia as major perpetrators of the THB crime in the 2000s, while Albanians occupied second place among representatives of foreign nationals in this country (figures for 2003-2007) (UNODC 2010a: 48). By 2007, Albanians comprised just a minuscule share (3-4 persons) of the most frequently detected nationalities of traffickers in Greece, occupying only a sixth place after Greeks, Bulgarians, Romanians, Russians, and Ukrainians (*ibid*). According to G. Papanicolaou, the overall share of Albanian human trafficking offenders in Greece dropped from 22 in 2003 to only four in 2007; while the respective share of Bulgarian perpetrators rose from one in 2003 to 26 in 2007; and an equally high number of Romanians involved into the THB crimes was likewise detected in Greece: from 20 in 2003 to 18 in 2007 (Papanicolaou 2008: 399). Italy and Greece are not, however, the only countries where in the 2000s the indigenous Western Balkan nationalities, especially Albanians, were outpaced by Romanians and Bulgarians as both facilitators and perpetrators of the THB-related criminal acts: the same trend is observed also in other large Western European countries such as the UK, France, Austria, and Belgium (UNODC 2008: 78, 122; also UNODC 2009). Thus, both Dutch and German police authorities reported that both Romanian and Bulgarian nationalities were the head groups operating in the field associated with the THB in their jurisdictions (in both suspects' and victims' category) during the mentioned period, while the percentage of native Western Balkan nationalities was relatively small, according to the UNODC (UNODC 2008: 77).

Overall, as evident from the analysis above, the incidence of THB crime markedly declined both in the Balkans and in the previously-affected Union countries in the 2000s. Specifically, the diminishing role of the Balkans in this sub-category of crime is evident from the decreased flows of illicit refugees to the EU's territory after the end of conflicts, the declined intra-regional vice industry, as well as from the fact that the THB market in Europe at that time was almost completely overtaken by the Bulgarian and Romanian nationalities. As the international community present in the region in the wake of Kosovo conflict, together with the Balkan governments, took a firm grip on the shameful THB crime,¹⁷³ already by 2004, the SEE region

¹⁷³ Already in the early 2000s, in all regional countries, extensive legislation was passed to criminalize THB crime. This was complemented by strengthening of border controls, by several wide-scale anti-THB operations with the purpose of dismantling regional trafficking networks (such as a series of 'Mirage' operation conducted in 2002-2004 by the Bucharest-based SECI/SELEC Center), by the implementation of programmes for victims protection (e.g., the International Centre Against Illegal Trafficking in the town of Vlora, Albania, was established), and sometimes even

was classified by UNICEF as ‘most advanced in the world when it comes to a coordinated, regional approach to the issue of trafficking and the development of governmental responses’ (Limanowska 2005: 93). Also, according to the U.S.’ trafficking in persons’ multi-tier classification assessment, the Western Balkans overall upgraded its position from tier Three in 2001 to tier Two by 2006 (Friman and Reich 2007: 13). Summarizing the situation with the THB crimes in the Western Balkans, in 2011, the JHA Council pointed out that the role of the Western Balkans in the European market of people-smuggling and as a logistical centre for organized crime was not any longer so prominent as it used to be (Council of the European Union 2011a).

3.2.3. Illegal Smuggling of Small Arms and Light Weapons

While in the 1990s, as previously observed, the Western Balkans witnessed a virtually uncontrolled growth in the SALW-related crime on their territories, and regional criminal groups specializing in trade in illicit weapons acquired a firm foothold in many Western European countries, in the 2000s the situation with the Balkan-linked SALW crime in Europe changed markedly. In fact, quite a scant amount of illicit weapons penetrated through the external frontiers of the Union in the 2000s from its ‘trouble-making periphery’ (Elbasani 2013: 3), and contrary to many expectations, the Union did not turn into a lucrative market for loose Balkan arms (Sagranoso 2001: 7). Both Europol’s representatives (for example, Storbeck: I8) and independent researchers (e.g., Anastasijevic 2006: 10) also confirm that the external weapon traffic and trade from the Balkans in the direction of the Union declined in the 2000s, belonging nowadays to one of least visible aspects of organized crime associated with this region.¹⁷⁴ According to analysts, in the 2000s, the number of criminal cases related to the illicit trafficking and trade in arms from the Balkan was virtually negligent in the Union, especially when compared to a much more prominent (but still declining) crime category of drug traffic (Hajdinajak 2002: 3).

First of all, even with varying estimates of the surplus arms left in the Western Balkans in the post-conflict period and the still meager information available on the Balkan arms trade in the European markets (Spapens 2007: 360),¹⁷⁵ the existing data shows that in the 2000s the criminal

by termination of direct flights from the source countries (as was in case of Serbia) (UNODC 2008: 76, 82; Hysi 2004a: 981). Some researchers, however, argue that reactive and repressive law enforcement responses dominated these efforts at a neglect of more structural and grass-root approach that was essential to the successful fight against the THB crime (Lindstrom 2004).

¹⁷⁴ Also UNODC 2008: 84. On the respective trend in Albania, see Hysi 2004b: 554-555. At the same time, however, as I. Prezelj (2010: 207) argues, more thorough analysis of the scale of the problem is required.

¹⁷⁵ There are no precise estimates on the amount of arms in the Western Balkans in the post-war phase and the existing figures concerning the respective situation in the 2000s vary considerably. For instance, while in 2010 UNODC (2010a: 142) mentioned the presence of eight million weapons in the region by that time, other sources referred to

SALW market dramatically shrunk in the whole South-Eastern Europe, including the Western Balkans. Even though many arms manufacturers continued to function in the region, particularly in Serbia, and some external firearms trafficking continued, the situation nevertheless improved considerably since the time of active warfare (UNODC 2008: 84). Already in the early 2000s, in spite of continuing trafficking of external arms (particularly from Albania, Croatia and Macedonia), the CoE documented that the flow of weapons from the former crisis regions in the Balkans in the EU's direction remained very insignificant, because large organizations dealing with the illicit arms trade and traffic on a regular basis had by that time disappeared in the region (Council of Europe 2002). By the mid-2005, the situation improved further, and the CoE's specialized CARPO projects monitoring organized crime in South-Eastern Europe (for 2006 and 2007) did not even mention the Balkan SALW traffic as a problem for the Union. Remarkably enough, the UNODC in its 2010 threat assessments report even avoided references to the Western Balkans as a source of SALW threat for the Union, focusing instead on Eastern Europe, especially Ukraine, with its vast military arsenals left from the Soviet times (UNODC 2010a).

Several examples can be provided to confirm the afore-made point with regard to the pre-2005 period. Thus, according to the SEESAC [(2003); report about the criminal situation with the SALW in the Southern Adriatic region – Croatia, BiH, Montenegro], 'high levels of weapons are not present in this transit area any more'. As argued in the report, 'Except for a few seizures in border check points smuggling small arms and ammunition does not play a major role, simply because there is no profitable market in Croatia, BiH and Montenegro [...]'. This, according to the SEESAC, presented a 'sharp contrast to the situation during and immediately after the conflict when the Trebinje to Herceg Novi route for weapons was well used and well known. This historic route is not completely inactive, but overall border assessments from border policemen in BiH and Montenegro suggest that if weapons are smuggled across the border it is only in small numbers and mainly pistols now' (ibid).

Consequently, in its 2006 survey on Croatia, the SEESAC pointed at a relative saturation of the Croatian market and at a little domestic demand for firearms from abroad. According to the SEESAC, 'there is no evidence of high-volume, state-facilitated trafficking with the majority of interceptions classified as 'ant' traffic'. Similarly, in its survey of the SALW-related situation in Kosovo (2006), the SEESAC pointed at improved border controls and a more advanced law enforcement collaboration as major factors contributing to the diminished external SALW traffic:

only four million unregistered illegal war firearms present in the Balkans virtually at the same period (e.g., Malström: 2012).

‘it is unlikely that SALW have been transited through Kosovo in large numbers in recent years’ (SEESAC 2006). Similarly, the 2004 SALW report on Montenegro mentioned that ‘weapon transfers in and out of Montenegro [...] have severely declined since 2000’ and that ‘Arms trafficking seems to have lost its profitability in the Republic’ (SEESAC 2004). According to the SEESAC, while the total number of weapons seized by Montenegrin police was 1,841 units in 1998, by 2003 this decreased to 738 units (ibid). The same argument continued in 2005 with respect to Serbia: ‘A combination of an improvement in the security environment, a reduction in ethnic conflict, weakened demand owing probably to market saturation and an increase in law enforcement capacity has contributed to a decrease in trafficking levels, as witnessed by a decrease in border interceptions’ (UNDP 2005).

Although little exact data is available for the post-2005 period, some statistical indicators point at the diminished role of the Balkans in the European market of illicit SALW also during this sub-phase. Thus, declines in both domestic SALW production (and hence diminished external weapons’ external traffic, *inter alia*, in the EU’s direction) after 2005 can be indirectly confirmed by a general low presence of registered weapons in the possession of civilians in the region. For instance, according to the UNODC (situation of 2007), if compared to many countries in Western Europe, South-Eastern European region had a far lower amount of small arms per capita. Most civilian firearms per 100 citizens were found in Finland (69 per 100 inhabitants), Switzerland (61), Sweden (40), Germany (36) and France (34). By contrast, Macedonia occupied only sixth place (30); Montenegro – seventh place (29); Serbia – eighth (24); BiH – ninth (22); Croatia – 10th (21); Kosovo – 11th (18); and Albania – 12th place (with a strikingly low rate among the Balkan countries – 10 arms per 100 citizens) (UNODC 2008: 83; also UNODC 2010b: 130). Even though these figures do not include unregistered firearms, which might provide the basis for quite different estimates, quite low rates of arms-related violence in South-Eastern Europe (which are insignificant even by EU standards) additionally confirm the low level of weapons’ possession in the region during the mentioned phase.

Furthermore, as regards the post-2005 period, despite still fragmentary data on the domestic situation with the Balkan SALW, the success of major weapons’ collection and disarmament programmes that were actively administered in the region since the early 2000s by all regional governments (under the tutelage and with the assistance from the international community, e.g., the UN), confirms that the criminal market of the Balkan SALW was (due to the success of these programmes) in slump within the Union. In addition to the weapons’ collection initiatives, various other measures were put into effect by the republican governments in the 2000s

to address the problem with illicit weaponry circulation, including criminalization of illegal possession, proliferation and the use of SALW, increased international pressure on the Serbian government,¹⁷⁶ and amnesties in exchange for the voluntary SALW surrender by the local population in the Balkans (Prezelj 2010: 225; see also Arsovska and Kostakos 2008). Altogether, this contributed to the decline in both intra- and the outward SALW traffic in the Balkans. Thus, quoting SEESAC, the total amount of various types of SALW collected in the period from January 2000 to July 2008 was 238,739 items (ibid: 220). An immediate consequence of these policies, according to I. Prezelj (2010), was that the frequency of the Balkan-related SALW crimes committed in the European Union in the 2000s decreased markedly. Similarly, as T. Spapens (2007: 367) argues, in the 2000s, the influx of the Balkan-related SALW to the EU declined considerably, occurring on a small scale and mainly on demand. Even though, according to scholars (e.g., Prezelj 2010: 224), the Balkan anti-SALW policy was not in the 2000s functioning at its optimum and there was much to improve in terms of coordination, benchmarking, and trust management, it seems that the overall impact of the SALW problem on the European security in the 2000s was quite insignificant, especially if compared to the situation in the 1990s.

In sum, alongside normalization of the regional security environment after the disorderly 1990s, as a result of diminished domestic production of arms, market saturation, and major weapons collection programmes implemented elsewhere in the region, the scope and incidence of the Balkan-linked SALW crime in the European Union was on a continuous decline throughout the 2000s.

Conclusion

This chapter dealt with the *XI*-security/organized crime factor. Observations were made not only about the patterns of Balkan crime in its three major categories – clandestine trafficking and trade in drugs, human beings, and SALW, but, whenever possible, factors responsible for the fluctuations in the dynamics of these crime types in the period 1991-2011 were also highlighted. Starting with the assessment of the impact of crime threat on both domestic security in the Balkans and wider European security in the 1990s, the chapter afterwards examined patterns of the Balkan criminality in both intra-regional and the EUs context in the 2000s.

¹⁷⁶ Serbia was the major producer and exporter of SALW in the 1990s. For example, it exported to Saddam Hussein surplus weapons that were left in its military caches. This fact was discovered in 2003 and the U.S. exerted strong pressure on Serbian government to get its arms exports industry in order. As a result, the SDPR Jugimport, Serbia's main arms procurement agency, was restructured and a triple-layered system of control was imposed to prevent weapons from reaching the wrong hands. This resulted in the improvement of an overall regional situation with SALW (Anastasijevic 2006: 157).

The analysis has shown that the 1990s were characterized by the formation and rapid proliferation of the Western Balkan organized crime in the EU. The available statistical and police data, including important interview data, revealed that criminal situation in the Balkans deteriorated severely during the 'warfare period', with most regional countries experiencing for the first time a dramatic rise in level of organized crime domestically. Large-scale ethno-political conflicts, stagnating economy, international embargoes, and other factors led to an increase of cross-border organized crime in all its three main categories, during both the first and the second halves of the decade. As a result of Balkans' geographical proximity to wealthy European consumer markets, an active transnational crime market with the complicity of 'indigenous' Balkan criminal networks specializing in the afore-mentioned crime types developed also in Western Europe, with the region eventually turning a major sources of insecurity to the EC/EU's member states.

The most active transnational crime market with the presence of the Balkan-linked criminal networks developed in the Union especially in the category of drug crime. Despite not being a new phenomenon for the region, the clandestine traffic and trade in heroin and cannabis became in the conflicts' phase an issue of particularly grave concern for both the Balkan states and for the Western European countries alike. The lion's share of the growing drug exports to the EU in the 1990s was attributed to the role of Western Balkan criminal cartels, especially Albanian smugglers, who established their operational bases of narcotics' trade in the EC/EU. Furthermore, in the first half of the 1990s, the Western Balkans emerged and acted as an active – both origin and transit – route for the smuggled persons. Especially during active conflicts, when a massive exodus of refugees from the zone of instability was recorded, almost all EC/EU member states became affected by the growing illegal immigration from the region and ancillary crimes. Since the mid-1990s, the expanding reach of the Balkan-related THB crime in EU was increasingly felt in the category of sex-traffic. Both types of regional THB crime – the illicit migrants' traffic for labour purposes, and smuggling of women for sexual exploitation – were in the mentioned phase mainly linked with the activities of the Kosovo-Albanian diaspora.

In the 1990s, the unlawful SALW trade also became wide-spread in the Balkans, chiefly due to the high-level political support to the illicit SALW trade under the pretext of state-building purposes. As a result, the Western Balkans emerged as a major security concern for the EU member states in the 1990s also in the SALW crime category. Especially since the mid-1990s, due to virtually unrestricted circulation of free weapons in the sites of former warfare, many large EU

states started to experience a dramatic inflow of the surplus Balkan arms to their territories, with the criminal syndicates from this region becoming most frequent perpetrators of respective crimes inside the Union.

The second section was dedicated to the Balkan-linked criminalized activities in the 2000s. After normalization of the regional security environment following the disorderly 1990s, the criminal situation in the Balkans changed radically, with the downward trend in all three crime types observed inside the region. The presented statistical indicators confirmed positive implications of decreased regional crime for the internal security situation also in the EU, where the incidence of the Balkan-linked criminality was on a constant decline throughout the entire 2000s.

Specifically, the most significant decline took place in the previously active criminal market of human smuggling: by stark contrast to the 1990s, the situation with the Balkan THB improved substantially already in the early 2000s. This is valid for the two main sub-categories of the Balkan-linked THB crime – illegal immigrant smuggling for work purposes and traffic of women for sexual exploitation. During the 2000s, the indigenous Western Balkan human traffic inside the Union was almost completely overtaken by two nationalities from the Eastern Balkans: Romanians and Bulgarians, while the presence of ethnic Albanian and other Western Balkan nationalities in the European THB market (in both victims and perpetrators' categories) became virtually negligent in comparison to these two national groups.

Alongside the reduction in THB crime, a substantial decrease in the frequency of the Western Balkan-linked SALW crime took place in the indicated phase. In the 2000s, following the disappearance of an active market for illicit weapons in the Balkans, surprisingly little SALW, according to the data presented, penetrated through the EU's external frontiers from the region. This resulted in the shrinking of the illicit market of the Balkan SALW inside the Union already since the early 2000s, with the downward trend continuing well into the next years. The proportion of the Balkan nationalities arrested by European police authorities for perpetrating crimes of SALW smuggling and corollary crimes in the EU was also insignificant in the first decade of the new millennium, indicating that the situation with the unlawful trade in weaponry significantly improved inside the Union in this period.

Similarly, substantial decline of Balkan organized crime took place in the 2000s in the previously very active market of narcotics smuggling. While in the 1990s the Balkan area acted as

a premier transit zone for heroin and cannabis destined for Western European markets, the drastic change in the respective criminal dynamics took place in the 2000s. Thus, the reduction in the number of criminal cases related to illegal drug smuggling – both from and through the Western Balkans – was registered by Western European police already in the early 2000s, with the tendency continuing well into the next years. In most EU states that were previously afflicted by the activities of the Balkan-linked drug cartels, the reduced seizures of illicit drugs and declining arrests of indigenous Western Balkan nationals specializing in heroin and cannabis trade were reported by the police.

Chapter 4. The EU's International Law Enforcement in a Multifactorial Perspective. Euro-Balkan Police Cooperation as Political Practice

Introduction

The analysis in the previous two chapters was concerned with a preliminary exploration of two main factors that are widely considered by scholars to produce a major impact on the development of international police cooperation – institutional capabilities and security/organized crime. Specifically, in the second chapter, a thorough analysis of the twenty years' institutional evolution of the European law enforcement system (in both internal and external settings) was undertaken, while the third chapter engaged with a detailed observation of trends in the Balkan organized crime characteristic of the same period. In this chapter, the focus is more directly on the cooperative Euro-Balkan law enforcement context, including the actual practices of the European Union's policing in the Western Balkans. Combining previous analytical findings into a single multifactorial analysis, this chapter purports to assess the relative causal influence of different factors on the formation of the Union's strategic position regarding the Balkan crime and the actual process of Euro-Balkan police cooperation. The *X1*-, *X2*-, and *X3*-factors (i.e., trends in organized crime, institutional changes in the EU's police model, and politics-related events and developments) are placed here in a wider temporal context and the different factors are compared and contrasted against the actual evolution of the EU's internal security strategy regarding the Balkans in order to find out how they causally influenced the patterns and dynamics of Euro-Balkan police interaction.

Specifically, in order to distinguish the impact of causal factors from non-causal ones, I perform a relatively careful description of progressive evolution of the EU's strategic position regarding Western Balkan crime and the evolution of the Union's internal security policies regarding the region in a rich historical context. For the sake of convenience, two larger temporal intervals are distinguished – the 1990s and the 2000s – and both, in turn, are subdivided into smaller sub-periods: 1991-1995, 1995-1999/2001, 2001-2005/6, and 2005/6-2011. This subdivision of the longer temporal frame under scrutiny into smaller temporal segments permits for a consistent evaluation of the impact of three factors *X1*:OC, *X2*:INS, and *X3*:POL on the cooperative process (or the absence thereof) against the arrow of time, and, consequently, allows

determining the explanatory power of the three derivative 'theories' of the EU's international police cooperation. The ultimate purpose of analysis of evolution of the EU's strategic position regarding Western Balkan organized crime and its police policies in the region that I perform in this chapter is to demonstrate that internationalization of the Balkan dimension of European law enforcement during the scrutinized period predominantly reflected and responded to the evolutionary trajectory of European politics in the region and reflected both the overall nature and specific dynamics thereof.

Structurally, the chapter is sub-divided into three sections. The first section explores the position of the European Community/European Union regarding internal security situation in the Western Balkans in the evolutionary context of the *X2*-institutional factor, the *X1*-Balkan crime factor, and the *X3*-politics-related factors regarding this region during the decade of warfare (1991-1999/2001). This phase was characterized by a gradual formation of an independent EC/EU foreign policy line towards several republics that emerged in the Balkan space after the violent decomposition of Yugoslavia. The analysis will provide evidence that notwithstanding the dramatic rise of criminalized activities in the Balkans in the 1990s and the fact that the Western Balkans at that period emerged as a main security threat to the EC/EU, the latter did not succeed in organizing an effective and timely response to the menace of Balkan crime. Taking into account previous analytical findings related to the *X2*- and *X1*-factors, the ensuing discussion will show that a combination of the *X3*-politics-related factors made for the EU's passivity concerning Balkan criminal phenomenon throughout the entire decade of the 1990s.

The focus of the next section is on the EU's internal security policies in the Western Balkans in the 2000s. In contrast to the earlier period when little or no attempts were made by the Union to develop the Balkan dimension of its external law enforcement, in the post-warfare decade, Euro-Balkan cooperation (and also cooperation at the intra-regional level among the Balkan states) on issues of internal security progressed with an increasing speed and intensity. This section intends to demonstrate a preponderant and direct influence of the EU's political position (including various *X3*-related (sub-)factors) towards the Balkans on the policing dynamics in this core neighbouring region of the EU. It will simultaneously delve into the causal role of both the *X1*-factor and the *X2*-factor on the Euro-Balkan policing process.

In the third section, as part of a more in-depth analysis of politics as an overarching causal determinant of Euro-Balkan police cooperation, the discussion proceeds to investigating activities of European security agencies and systems in the context of the Union's foreign political relations

with the Balkan group of states. Thus, the first two sub-sections of the concluding section investigate the variety of ways in which the political and power-related objectives of the Union informed both Europol's and CEPOL's cooperative practices in the Western Balkans in the 2000s, and how these agencies contributed to the implementation of political objectives of the EU's South-Eastern enlargement through their specialized anti-crime projects in the region. After that, I will proceed to analyzing Police Cooperation Convention for Southeast Europe as an outstanding case of 'externalization' of operational law enforcement standards of the Schengen system in the Balkan regional setting. The task here is to demonstrate how the PCC-SEE, the operational instrument for professional cross-border crime-combat, additionally acted as a political tool of reconciliation and establishing good neighbourly relations, as well as other EU strategic objectives, in the post-war Balkan environment.

4.1. Western Europe and Balkans in the 1990s: Explaining the EC/EU's Inaction on the Challenge of Balkan Organized Crime

As was shown in substantial details earlier, as a consequence of long-drawn ethnic conflicts and ensuing socio-economic instability on the territory of ex-Yugoslavia, already since the early 1990s, most Western Balkan countries witnessed a dramatic growth in organized and serious crime on their territories. Taking advantage of the conflict-ridden environment, numerous professional groups specializing in trafficking and trade in drugs, human beings, and weapons emerged in the region. The Balkan-linked organized crime groups quickly exploited the situation to their benefit establishing also well-functioning criminal networks in the European Community/Union, first of all in both adjacent Greece and Italy, and then in more distant and wealthy Western European markets such as Germany and the UK. Already by 1993, several EC/EU states reported the presence and operation of large criminalized Kosovar-Albanian diaspora at their territories, and in 1995, the police of nine of the-then 15 EU member states mentioned in their crime threat assessment reports (commissioned for the European Drugs Unit) that criminal syndicates with ex-Yugoslavian origin were expanding rapidly within their domestic jurisdictions (Heijden 1996).

Remarkably enough, despite growing reach of Balkan criminality inside the EC/EU, during 1991-95, but also over the longer period of the 1990s, the Community/Union was paying virtually no attention to the menace of Balkan crime. According to J. Storbeck, in the 1990s, ethnic Western Balkan organized crime groups (OCGs), had a far stronger presence in the European

criminal markets than OCGs from Central and Eastern Europe (I8). As he notes, individual member states such Germany, having acknowledged significant threat from the indigenous Western Balkan crime, managed to organize a forceful response against this challenge both at the domestic level and through bilateral collaboration mechanisms (ibid).¹⁷⁷ However, notwithstanding a pressing need for the respective EC/EU-wide activities in this domain, no equivalent Community/Union-level response to Balkan crime emerged during the mentioned phase. Unlike the CEECs-related crime, which attracted strong attention from the EC/EU in the 1990s, the Balkan criminality phenomenon did not become a target of the Community/Union-wide collective law enforcement initiatives at that period. Why, despite being continuously exposed to the threat of serious and organized crime stemming from the Balkans, did the Union fail to address this problem in a collective manner, and why was no coordinated and timely response launched at the EU level to counter the Balkan crime phenomenon in the 1990s?

Obviously, given that the upward Balkan crime dynamics were not accompanied by a respective common action on part of the Community/Union in the 1990s, the *X1*-factor of security/organized crime and the connected theory cannot be considered a valid causal explanation for the outcome in the form of the EC/EU's respective security strategies, including its international anti-crime practices, in the indicated phase. This is because, as will be demonstrated in more details, while showing no concern with Balkan crime, the EU became almost totally preoccupied with anti-crime cooperation with the Central and Eastern Europe at that period. By contrast, the *X2*-factor of institutional resources and the respective theory is generally useful to explain the EC/EU's indifferent position concerning the Western Balkan crime phenomenon in the mentioned phase. As already stated, the expectation for the *X2*-factor-related theory was that progressive institutionalization of the EU's police model would entail more intense international police cooperation with the Balkans. It follows logically from this that the lower the level of development of the EU's institutional resources is in the respective domain – the lower are the chances for cooperation. Since the 1990s were characterized by insufficient institutionalization of European police model (as argued earlier, it mainly corresponded to the second and third institutionalization phases), this obviously prevented the Union from effectively exploiting its cooperative potential in the JHA/AFSJ. As amply argued above, the sufficient level of development of institutional capabilities is a *sine qua non* requirement for the successful internal cooperation in a given domain. Also internationally, in the words of G. Sjöstedt, the 'entity's [...]

¹⁷⁷ Specifically, as Storbeck noted, much contrary to expectations of both politicians and representatives of law enforcement circles in the large EC/EU's member states, the CEECs-related crime (except for a considerable increase in the crime of traffic in stolen cars) did not rise dramatically in the EC/EU in the 1990s.

capacity to behave actively and deliberately in relation to other actors in the international system' depends crucially on the adequate level of development of internal resources (Sjöstedt 1977: 16). Particularly in the 'Maastricht period' of 1993-1999, the underdeveloped domestic framework for common police activities, alongside the still restricted EU competence to collaborate internationally in this field, acted as a significant constraint on the Union's ability to mount a coordinated and timely response to the challenge of transnational crime.

Specifically, as the preceding analysis has shown, in the early 1990s, transition from the previous strictly intergovernmental (first institutionalization stage) to a slightly supranational mode of police interaction took place, culminating in the establishment of a first institutionalized information-sharing mechanism (second stage). By virtue of the Maastricht Treaty, the EC/EU's constitutional edifice was modified to incorporate police cooperation as an issue of 'common interest' and an embryonic anti-crime infrastructure was set up at the EU level in the form of EDU. Even though institutionally this was a huge leap forward for the EC/EU, and it presented a stark contrast to the prevailing intergovernmentalism of the TREVI times, the mentioned reforms had insignificant – mainly domestic – effect, and the possibility to organize collective measures concerning international crime combat and prevention remained limited in the Community/Union. Throughout especially early part of the Maastricht phase, both intra-European and external collaboration on police matters remained both scope-wise and thematically restricted, with the EDU's mandate limited mainly to information pooling on significant cases of drug traffic. Also, the absence of a common threat assessment methodology at the European level impeded possibilities for identifying the 'common enemy' and hence obstructed chances for cooperation. The lack of such methodology did not allow for a holistic perspective on the situation with the foreign-linked crime both at the outer EC/EU's frontiers and internally in the Community/Union, and hence on the real impact of organized crime on security in Western Europe.¹⁷⁸ As Ratzel said when characterizing the situation with police cooperation under the EDU in the early 1990s, 'we had to build something just to make the organization work: to buy chairs, computers, tables, and to recruit people [...] There was no established line of cooperation and communication at that time' (I6).

¹⁷⁸ Even though already since 1993 several attempts were made at the EU's level to develop a unified methodology for reporting on organized and serious crime, these efforts remained hampered by a lack of agreed definition concerning organized crime and its composite elements, by absence of a common intelligence collection database with well-defined channels of information, and by the lack of standardized structure for compilation of national reports. The first versions of the EU-wide organized crime assessment reports (compiled by the EU Presidencies in 1993, 1994, and 1995) were, as a result, very incomplete and patchy in terms of their content. As only a few EU member countries (mainly France, Germany, and the UK) were able to submit adequate information on the situation with their domestic organized crime to the EDU, these reports provided limited generalizable insights regarding the real situation with crime in the whole of the Union (Heijden 1996)

In short, the EU remained an institutionally handicapped actor in internal security area during the first half of the 1990s, and also (notwithstanding significant progress of the Amsterdam Treaty in the third pillar) in the post-1995 period. Because of limited institutionalization of the EU's police system, well until the 2000s, initiatives in the corresponding external dimension remained erratic and poorly coordinated. It is only after the post-Amsterdam watershed and especially after the Tampere summit that major institutional infrastructure was set up and the Union finally acquired formal legal competence to conclude international treaties in the realm of the third pillar.

As far as the institutional capabilities of the Balkan side are concerned, according to the existing information, the ability of the countries of ex-Yugoslavia and other relevant Western Balkan countries (Albania) to cooperate on police issues in the 1990s was at a mediocre level at best. While, in Storbeck's opinion, some Balkan states such as Croatia were most advanced and could be compared to the CEECs in terms of their capabilities to cooperate internationally with Western Europe on police matters, other countries such as Albania and Serbia (the latter at that time included Kosovo and Montenegro as its constituent parts) had serious organizational deficiencies, including a high level of corruption, that hampered effective international cooperation with the EC/EU's member states (18). Information concerning the specific sub-period of 1991-95 is additionally confirmed by D. Fogel (1994), according to whom the individual countries of ex-Yugoslavia and Albania were not well-equipped to face international organized crime challenges, and were far below the CEECs in terms of the development of respective capacities.

In other words, the *X2*-institutional factor (in this case, organizational deficiencies – both in the EC/EU and in the Balkans) provides a significant part of the explanation why the EU was unable to identify and organize an adequate response against the pressing challenge of Balkan crime, and why it was restricted in its abilities to cooperate with law enforcement authorities of the Balkan states in the 1990s (18).

At the same time, however, the *X2*-factor and attendant theory alone are insufficient to account adequately for the Community/Union's indifferent stance towards Western Balkan criminality during the mentioned time-span. According to Ratzel, even though institutional resources are of vital importance for transnational policing, it is politics that in the first place dictates the strategic orientation of the law enforcement process, and also impacts the practicalities

of policing (I6). According to the definition provided earlier, as a social activity, politics is concerned with an actor's struggle for power, or cooperative use thereof, in order to realize an actor's 'existential will' to exert control/power over an(other) actor(s), to advance strategic interests and objectives, and/or attain an(other) actor(s)' transformation in the name of some collective ideal. It is the X3-politics-related factors such as the EU's desire to maximize its power, to realize its strategic ambitions, and to attain the transformation of countries on its geographical periphery, rather than solely the organized crime threat or objective institutional opportunities and/or constraints, that dictated and determined in the first place the strategic orientation of the Community/Union's international policy of internal security cooperation in the 1990s. In this sense, the X2-factor was acting as a 'dependent' factor in the politicized process of Euro-Balkan police cooperation because the way the EU utilized its institutional police potential in its relations with the Western Balkans mainly reflected and responded to the processes and dynamics of the EU's political relations with this region. The following section is intended to clarify the aforementioned points in more details.

Politically, in the 1990s, the Community/Union was preoccupied with two key regions in its immediate geographical proximity: Central and Eastern Europe (including first and foremost the states of the former Warsaw Pact in the Baltic Sea and Central European countries, but also small Mediterranean island countries Cyprus and Malta;¹⁷⁹ and in the second place the Eastern Balkans – Romania and Bulgaria), and ex-Yugoslavia (the larger geographical region that since the early 1990s underwent violent dissolution into several republics that in 1998 were institutionalized by the European Commission as the 'Western Balkans'¹⁸⁰). Due to the already-mentioned problems with the common threat assessment methodology in the 1990s, neither in the case of Central and Eastern Europe, nor in the Western Balkans' case, the Community/Union had a reliable and holistic picture of the organized crime situation. Nonetheless, police officials operating at the EU level, specifically through the EDU's structures, were aware of the Balkan crime problems and recognized in their interviews, as already mentioned, that the region of ex-Yugoslavia/Western Balkans presented a far more severe problem in terms of the situation with the foreign-linked crime for the Union than CEECs. Despite that, because the Community/Union was at that period far more preoccupied with the CEECs (which it planned to transform according to its own pattern and to integrate as its potential future part), than with ex-Yugoslavia/Western Balkans, the EC/EU made the CEECs a primary arena for its anti-crime and police initiatives in the 1990s. Politically,

¹⁷⁹ While geographically the Mediterranean countries of Cyprus and Malta do not belong to the CEECs, politically, these countries were placed by the EU into the single regional grouping with the CEE states.

¹⁸⁰ In 1998, the republics of ex-Yugoslavia were renamed as 'Western Balkans' by the European Commission, and the term became widely accepted in the Union (Talev 2008: 236).

the Balkans remained at the forefront of the EC/EU's security concerns, but, as will be shown in more details later, in a different sense than Eastern Europe.

The politics-related factor of agenda-formation in the post-Cold War context, or the EC/EU's power-related choices regarding its neighbourhood, was crucial in determining the strategic orientation of the Community/Union's internal security cooperation in both ex-Yugoslavia/Western Balkans and the CEECs in the 1990s. The difference in political tracks that the EC/EU opted for in order to attain control and influence over its two significant geographical neighbourhoods provides a significant part of explanation why throughout the whole decade (with minor exceptions) the EC/EU's approach towards problems of internal security was qualitatively different in case of Eastern Europe than in the Balkans' case. Namely, unlike in case of CEECs, the Community/Union did *not* aspire to develop a corresponding Balkan dimension of its law enforcement. The emergence of the Community/Union's region-specific policies towards both ex-Yugoslavia and Eastern Europe was a major politics-related reason behind the varying degrees of importance attached by the EC/EU to the problems of organized crime in both ex-Yugoslavia/Western Balkans and the CEECs. These region-specific policies, in their turn, were grounded in the entrenched historical legacy, practices, and interests underlying the EC/EU's relations with countries belonging to both regional groupings, or were integral part of a wider historically-conditioned political logic.

Thus, as concerns the CEE, historically, the EC/EU had a vested political interest in this region already since the early period of the Cold War: in 1963, Robert Schuman, one of the Community's founding fathers, proclaimed the strategic vision of Europe's integration uniting both its Western and Eastern parts. Since 1970, Eastern Europe was regularly emerging as a top issue (alongside the Middle East) at the ministerial meetings of European Political Cooperation, and the 'Eastern European' topic was subsequently institutionalized within the EPC's framework (Smith, M. 2004: 51; Strömvik 2005). However, while during the Cold War the Community had objective limitations for full-blown cooperation with and integration of its Eastern part,¹⁸¹ the

¹⁸¹ During the Cold War, almost no cooperation was conducted between the EC and Eastern Europe because the Soviet Union did not recognize the EC, considering it a 'capitalist block'. Cooperation proceeded mainly on the bilateral level on trade issues between the individual Community's member-states and the CMEA/Comecon members – Poland, Hungary, Czechoslovakia, Romania, and Bulgaria. However, the EC always kept a close eye on the Eastern CMEA countries that it considered potential members of the future new European regional security order. Unlike the U.S. pursuing an 'exclusion' approach regarding most CMEA members, the EC aimed at creating interdependence with these states in order to prevent their strategic isolation. The EC rendered political support to the bilateral trade relations with the CMEA as it considered trade with the CMEA's Eastern counterparts to be an additional means of ensuring security in Europe and reducing military threat. Another leading EC political concern in its relations with the CMEA's Eastern European members was to weaken the Soviet Union's domination in the region, which it attempted

collapse of communism provided the EC with a veritable opportunity to overcome the long-standing division in Europe. As the communist system started disintegrating and the socialist countries of CEECs began considering their future on the 'other side' of the Iron Curtain, the Community embarked on a practical implementation of its 'existential will to exert control' over its Eastern neighbourhood, which manifested in the new 'inclusive policy' regarding the CEECs (Dunay 2004: 27, 36).

The EC/EU's newly adopted ambitious and proactive integration paradigm (and, consequently, the concrete policy) based on the historical legacy of its relations with the individual East European states, including economic and trade relations with the former CMEA/Comecon partners, expressed itself in a series of consecutive steps that the EC/EU had undertaken since the late 1980s in order to attain comprehensive transformation of these countries in line with the Western political and economic patterns and their eventual incorporation into the European system. As P. Dunay (*ibid*: 36) argues, Eastern Europe became 'the EC's major preoccupation – if not obsession' immediately after the end of the Cold War, and the Community's paramount political interest and objective became preparation of the countries of this region for their future membership of the EU. The policy of conditionality was introduced as a cementing principle and a core norm of relationships between the EC/EU and the Eastern European states (Smith, K. 2004). In devising and implementing the 'inclusive policy' model of association of CEECs with the EC/EU, or the policy of 'Eastern enlargement', the EC/EU aimed not only at transforming Eastern Europe through imprinting its own values in the aspiring CEE states, but also to prevent the revanchist aspirations of Soviet Union/Russia and the CEECs' possible return back to Russia's fold.¹⁸²

Since the principal aim of the EC/EU in the 1990s was to prepare the CEECs for their forthcoming membership of the Union, the strategic imperative of enlargement (i.e., the X3-politics-related factor) necessitated introducing issues of internal security as part of agenda of the Community/Union's relationship with the CEECs relatively soon after the official launch of its Eastern enlargement policy. Storbeck maintains that in the case of the CEECs (unlike in a considerably more important – from the security perspective – case of the Western Balkans), there was a 'clear political [*i.e., power-driven*] imperative for police cooperation on the part of the Union that prompted the latter to concentrate mostly on developing the Eastern component of its

to attain, *inter alia*, through encouraging and rewarding more independently inclined states – Romania and Yugoslavia (Smith, K. 2004)

¹⁸² Especially after the August 1991 putsch in Russia, there were strong fears in the EC that an increasingly nationalist Soviet Union/Russia would attempt to reassert its influence in Eastern Europe (Smith, K. 2004: 95).

internal security activities in the 1990s (18). It is also due to the overarching politics-related reason that cooperation in the respective sphere between the EC/EU and Eastern Europe in the mentioned decade was not merely 'functionally-driven', or reactive to the nature and dynamics of organized crime, but also informed by the far-reaching political interests of the EU.

Thus, since reliable estimates of the extent of Eastern crime in the EC/EU were either missing (especially in the first half of the 1990s) or patchy at best (in the second half of the decade), the EU's policy of anti-crime and police cooperation with the CEECs was, especially in the early phase of cooperation, mainly proactive in nature and much of respective cooperation was intended to transform the underlying structural conditions in the aspiring CEE states in order to prevent the future growth of crime. Both the strategic agenda and nature of cooperation on internal security matters – even though quite limited at that time – reflected the Union's 'politics of scale' in the CEECs, which was based on a long-term strategy of qualitative political and economic transformation of this part of Europe, whereby the CEECs' compliance with the EU's policy of conditionality was considered a prerequisite for their eventual integration into the Union's structures. As internal security collaboration was subordinated to the paramount EU power-seeking objective to subsume and integrate the CEE countries' into its structures, this meant heavy emphasis on preliminary consultations at the macro/political level and overarching capacity-building measures in the respective area. In addition, the Union encouraged potential members to incorporate all its current and future police-related *acquis* as part of their preparations for membership of the Union. In other words, the Union's anti-crime police cooperation with the CEECs was not simply functional in nature, but was intended to serve the EU's strategic power- and transformation-related objectives of its enlargement policy in this region. Consequently, all institutional resources in the internal security domain (however small) that the Union had at its disposal at that time, were utilized to ensure the respective forms of cooperation with its Eastern European partners.

Already in the early 1990, even before the membership prospect was officially proclaimed, the leading EC/EU states such as Germany initiated active cooperation on criminal police matters with Poland, Czechoslovakia, Hungary, and other Eastern European countries. As soon as agreement on enlargement was officially reached at the June 1993 European Council in Copenhagen, and the prospect of accession for the CEECs on the condition of their fulfilling specific EU-posed criteria was officially open, cooperation in the internal security field was formally established as one of vital pre-requisites for the CEECs' future membership. In the beginning, cooperation on these matters was limited and proceeded mainly at the macro-level.

From December 1993, systematic consultation of CEECs on 'home and judicial affairs' within the framework of the third pillar with the EU's member states started. Initially actively-promoted and hosted by Germany and other EC/EU states, these joint meetings and dialogues between the EU and the CEECs prepared the agenda for more formalized dialogue on the internal security issues at the wider EU level.¹⁸³ At the Essen Council (December 1994), cooperation with the CEE on concrete issues of drugs, theft of and illegal trade in nuclear material, illegal immigration, and the smuggling of motor vehicles was identified as one of the priority areas. Gradually taking the lead of the process, the Commission called for including police cooperation in the 'structured dialogue' with the CEECs that shaped pre-accession process in the 1994-1997 period. In particular, the Commission urged JHA ministers of the EU's member states to take a decision on procedures for informing the CEECs within these more formalized relationships. After the Essen European Council, as a consequence, more systematic and agenda-tailored biannual meetings at the level of the JHA Council with ministerial interlocutors from the CEECs (*i.e.*, ministers responsible for internal security in their home countries) were organized. Thus, at a meeting of March 1996, a programme for cooperation was agreed for the next few years, while at a meeting of November 1996, drugs and the respective measures against the drug problem became a priority (Boer, den 1997: 496).¹⁸⁴ Also, meetings of experts from the CEE associated countries with the EU's experts from the third pillar's work group on drugs and organized crime started, alongside meetings with the directors of police training institutions of the EU's member states. These meetings put the beginning to the exchange of information on organized crime both at the EU level via the EDU, and on the bilateral level between the Union's member states and the CEECs (European Commission 1996).

In sum, Eastern organized crime and police cooperation with the CEECs became an issue of foremost concern and preoccupation in the EU already in the early 1990. Since, *unlike* Balkan crime, Eastern criminality was not silent as an external threat to European security, and it was the Union's exaggerated perception of the Eastern source of crime alongside a strong political interest

¹⁸³ The bilateral member states' initiatives, such as the British-Italian 'Hurd-Andreatta initiative', were early institutional predecessors of the subsequent Union-wide cooperative dialogue with the CEECs in the domain of internal security. Launched in November 1993 by Italian and UK foreign ministers, the initiative aimed at linking the CEE associates with the two intergovernmental pillars of the Maastricht Treaty, the CFSP and JHA. Politically, the initiative also aimed at involving the UK in a European project, boost Italy's role in the EU and in Eastern Europe, balance the Franco-German axis and respond to Eastern European requests for greater security. Organizationally, the initiative involved meetings of experts from both the CEE's and EU's sides in the form of work parties on, *inter alia*, security and terrorism. The result of the initiative was intensification of political dialogue on police matters with the six associate countries (Smith, K. 2004: 125-126).

¹⁸⁴ According to S. Lavenex, despite the Commission's call in 1994 to include JHA in the formal pre-accession strategy and the attempts to ensure a stronger coordination of various bilateral and multilateral processes, member states were still reluctant to give JHA an important place in the structured dialogue, and therefore the EU's overall involvement in that area was limited (Lavenex 2005: 122).

in anti-crime cooperation with this region that mattered, this points at the limitations of the explanatory ability of the *X1*-factor-related theory. Furthermore, police cooperation with the CEECs, even though still very limited and conducted mainly at the macro-level (in the form of political discussions on general internal security issues) started to develop even before tangible organizational changes leading to the creation of effective police infrastructure at the Union's level took place. This also demonstrates the limitations of the *X2*-factor and the connected theory in providing 'independent' causal explanation for the international police cooperation of the EU. It was the *X3*-politics-related factors that determined the course of events in the first place, while the *X2*-factor 'followed suit'. In subsequent years, especially towards the end of the 1990s, with the political pressure for Eastern enlargement increasing in the EU, the dialogue on internal security questions with its Eastern counterparts only grew in political significance for the Union. In the external dimension of internal security cooperation, according to M. den Boer, political priority was clearly given to relations with the future candidates for accession in the CEECs, including the Baltic states and Cyprus (Boer, den 1997: 496).

With police cooperation with the CEECs gradually gathering pace in the 1990s, just in the same temporal period, the EU continued to ignore crime situation in its Western Balkan periphery. Despite explosion of regional Balkan crime and its increasing detrimental impact on European security, the EC/EU did almost nothing to promote the Balkan dimension of its international law enforcement activities. Aside from the objective deficit of institutional resources that acted as a notable constraint on police cooperation with the Balkans, especially in the first sub-period, the absence of Euro-Balkan cooperation on the vitally important anti-crime issues during this phase can be explained by a combination of the *X3*-politics-related factors. These include, firstly, deeper structural reasons related to the history of relations between the EC and Yugoslavia (and Albania) during the Cold War and the resultant respective post-Cold War political agenda of the EC/EU's relations with this region; secondly, Yugoslavia's painful dissolution, the ensuing war and the Community/Union's interest-formation and respective attitude towards this event. Mainly as a result of confluence of these two factors, the EC/EU considered ex-Yugoslavia/Western Balkans as a region apart from the European mainstream. Irrespective of actual patterns of crime, this resulted in the region's isolation as cooperative partner on JHA, anti-crime, and police issues with the EC/EU.

Specifically, as regards overarching structural-historical reasons, unlike the CEECs that have traditionally been of a paramount political concern for the EC, ex-Yugoslavia/Western Balkans and Albania enjoyed a radically different political treatment from the Community. No such

historical legacy and precedent for political cooperation with the EC existed in the case of Yugoslavia and Albania during the Cold War, as was in case of Eastern Europe. Thus, as concerns Yugoslavia, the EC did not feel historical responsibility for this country, and it did not prioritize it as a cooperative partner, which was only the CMEA associated member and a prominent 'pillar of non-alignment movement'. Despite intense economic and trade relations that started to develop between the European Economic Community (EEC) and Yugoslavia already back in the early 1960s and the latter's overall relative openness towards the Western world, the country under Tito's leadership retained its independent position towards the EC. Indeed, Yugoslavian economy enjoyed far closer links with its successful Western European counterparts than did any CMEA/Comecon state, and by 1991 Yugoslavia was the EEC's second largest trade partner in the Mediterranean Area.¹⁸⁵ At the same time, however, as T. Gallagher notes, Tito preferred to keep his distance from Western Europe as he 'saw no need to open up his hybrid political and economic system to the West', and throughout the whole Cold War, Yugoslavia kept equidistance from major powers, maneuvering between the Soviet Union, the EC and U.S.¹⁸⁶ In its turn, Albania pursued the policy of an almost total political isolation from the West.

As a consequence, if the CEECs' 'European perspective' was directly implied by their specific political status and was never seriously questioned by the Union [the realization of this prospect was a matter of time only as it was conditional on the speed of their transformation according to the Western European standards (Smith, K. 2004)], no respective integration plans existed in the EC/EU concerning Yugoslavia and Albania, and the Community/Union never attempted to draw these countries as close under its fold as it did with Eastern Europe. By the end of Cold War, despite good economic and trade relations, the political marginality of the region *vis-à-vis* the rest of Europe only increased as nationalist ideologies started to fill in the post-Tito power vacuum and individual ex-Yugoslav republics opted for their own national strategies, as T. Gallagher argues. This political marginality was aggravated by the fact that, in contrast to the CEECs, the Balkan region lacked influential advocates in the Community/Union. Being absorbed with its plans for economic and monetary union and Eastern enlargement, the EC/EU regarded the Balkans as too peripheral to its interests and failed to monitor Balkan developments closely (Gallagher 2001: 274-275).

¹⁸⁵ During the Cold War, the EC considered Yugoslavia as geographical part of the Mediterranean region. Politically, after the collapse of the former Eastern block, Western Balkan countries were treated as 'countries of ex-Yugoslavia', while geographically these countries were subsumed by the EU under the category of the 'Northern Mediterranean' and in the EC/EU's strategic thinking were addressed as part of a broader regional cluster of the 'Mediterranean and Middle East'. Alongside Western Balkan countries, this geostrategic entity encompassed, under one category, also such diverse countries as Malta, Cyprus and Turkey. It is only in the post-Dayton period that the Western Balkans emerged as a holistic regional grouping in the EU's strategic and foreign policy planning (Delevic 2007).

¹⁸⁶ On Yugoslavia during the Cold War see Gallagher 2001: 228, 236.

In this connection, it is important to note that unlike the CEECs, the West has traditionally held the negative image of Western Balkans. According to M. Todorova, the EU's construction of 'Self' and the differential enabling of ex-Yugoslavia/Western Balkans as 'Other' is crucial to understanding both the power and the limitations of the EU's foreign policy in the region and hence the respective limitations of its security policies towards this region in the 1990 (Todorova 2009). O. Westad (2017: 361-362), in turn, confirms Todorova's point: 'In terms of European significance, especially from a strategic point of view, Poland and North-Eastern Europe were (and are) much more important to great power relations than any Balkan country [...]'. In other words, by contrast to Eastern Europe, the Community has historically perceived Yugoslavia as a region of minor political significance, which resulted in the absence of a meaningful integration strategy for this geographical part of Europe and hence in the 'missing' dimension of Euro-Balkan anti-crime cooperation in the 1990s. It was not until the late 1990s/early 2000s, when – largely under the pressure of political circumstances – the Union eventually grew politically mature enough to embrace Western Balkan states as its potential future members.

Another major politics-related reason explaining the EC/EU's inability to address adequately the phenomenon of Western Balkan organized crime in the first sub-period of 1991-1995 was the urgent need for the Community/Union to react to Yugoslavia's violent dissolution and the detrimental consequences of this event. For the CEECs, the end of Cold War entailed a relatively peaceful dissolution of this post-Soviet region, its unrestricted socio-political and economic transformation in line with Western European standards, cooperation with the Community/Union in all spheres, and eventual EU membership. By contrast, the dismemberment of ex-Yugoslavia ended in war. As a result (while pursuing integrative strategy in the CEECs), the paramount EC/EU preoccupation in the Balkans, especially during the initial phase of its engagement in the region, was to accommodate Yugoslavia's disintegration and to attain peace in the war-torn region. Since, politically, the EC/EU's joint action at the territory of ex-Yugoslavia favoured the settlement of SFRY's succession as a priority issue, this left little room for the implementation of 'secondary issues' such as combating organized crime in the region.

The magnitude of ethno-political conflict that broke out at the Community's South-Eastern periphery (initially in Slovenia (June–July 1991), afterwards in Croatia (March 1991–November 1995) and lastly in BiH (April 1992–December 1995)) implied that the EC/EU was put under a feasible risk of ethnic violence spilling over to the entire Balkans, and even to the wider European territory. S. Lukarelli distinguishes three major consecutive stages of the EC/EU's engagement

with the conflicts at the territory of ex-Yugoslavia. The first (June 1991–January 1992) was characterized by the EC/EU's almost unilateral management of the Yugoslav conflict: the Community/Union tried to broker a political settlement under the auspices and legitimization provided first by the CSCE (Conference on Security and Cooperation in Europe) and then by the UN (the so-called 'Hour of Europe'). The second stage (January 1992–April 1994) was characterized by the 'EC/EU–UN burden sharing': both the EC/EU and UN attempted to ensure joint management of the conflict, mainly through the co-sponsored Conference on Yugoslavia. The last stage (April 1994–August 1995) was characterized by the end of the EC/EU's involvement, the co-management of conflict by the Contact Group (which included representatives of the U.S., Britain, France, Germany, and Russia) under American leadership, and the ultimate NATO intervention.¹⁸⁷ As Lukarelli (2000: 12) maintains, at *each* of the aforementioned stages of the EC/EU's and wider international community's engagement with management of the Balkan conflicts, 'tension threatened to extend the conflict to other Yugoslav areas and/or other Eastern European states'.

In the situation of looming military threat to the wider European security from the territory of ex-Yugoslavia, in the first half of the 1990s (specifically, in June 1991–August/November 1995), containing violence and resolving major territorial and constitutional disputes among the warring sides became the EC/EU's core political preoccupation in the war-ridden Balkans. Throughout all three stages, the EC/EU, by trial and error, tried different tactics (mostly ineffective) of engagement with the rampant Yugoslav crisis in order to ensure basic stabilization of the region. Whereas the EC/EU was pursuing a consistent policy line towards the CEECs intended at this region's eventual integration into the European structures, in case of ex-Yugoslavia, especially during the initial stage of the Balkan warfare, the Community/Union's position was characterized by a considerable discord and inconsistency. The EC/EU failed to formulate a clear interest and to present a unified political stance towards ex-Yugoslavia, which only aggravated and prolonged the conflict into the consecutive years and delayed meaningful action on the EC/EU's part.¹⁸⁸ Practically, in its attempts to avoid the extension of the conflict to wider Europe, the EC/EU (in the capacity of its member states acting collectively, or the so-called 'Twelve') was resorting to the short-term and reactive tools of classical diplomacy and conflict

¹⁸⁷ In August 1995, NATO's resolute military campaign started in the Balkans. It stopped the ethnic bloodshed and precluded the Dayton negotiations in November 1995 (Lukarelli 2000: 12).

¹⁸⁸ The lack of political consensus to address the Yugoslav crisis is demonstrated by the following. The EC's institutions supported the principle of self-determination in the former Yugoslavia: already in March 1991, the European Parliament passed a resolution declaring that 'the constituent republics and autonomous provinces of Yugoslavia must have the right freely to determine their own future in a peaceful and democratic manner [...]'. Just at the same time, major EC states supported Yugoslav government and favored keeping Yugoslavia together as they saw unified Yugoslavia as a guarantor of regional stability (Klemencic 2006).

prevention. It peace-building efforts in ex-Yugoslavia involved a mixture of both ‘carrots’ and ‘sticks’ such as arms embargoes on military material from the Yugoslavia, suspension and freezing of financial aid, arbitration commissions and observer missions monitoring the cease-fire, conferences at which the governments of regional republics were persuaded to sign peace declarations with each other, meetings and discussions with Yugoslav leaders in Brussels, various plans for the institutional shape of Yugoslavia, declarations condemning atrocities, and numerous diplomatic demarches (Blockmans 2007: 111-174; also Lukarelli 2000).¹⁸⁹ Notwithstanding this hectic diplomatic activity, the EC/EU’s political position regarding ex-Yugoslavia notoriously lacked consistency. Constant stalemates and inaction were the result of continuous disagreements among the Twelve over how to use the ‘tools’ of collective security and whether or not to employ coercive action and other punitive measures against Serbia. This prolonged the conflict well until the second half of 1995 when NATO finally intervened (Lukarelli 2000).

In short, well until the mid-1990s, the EC/EU’s top interest and political priority in its Balkan periphery was to accommodate the demise of Yugoslavia and to terminate ethnic conflicts. The Community/Union’s collective foreign political action was underlined by the numerous reactive attempts to halt military hostilities between warring sides, to reach constitutional settlement of territorial disputes, and to sponsor ceasefires between the belligerent sides in the Balkans. Since the EC/EU was aware that mismanagement of these issues would have had much more severe and destabilizing consequences for the European continent (Blockmans 2007: 3-4) than any other threats, including rampant crime, it was both unable and unwilling to pay sufficient attention to the ‘minor’ issues of ‘soft security’. Even though violent conflicts dramatically worsened the situation with serious crime in the whole Balkan region, the questions of how to settle conflict politically and how to resolve the corollary issues of statehood, recognition, self-determination and succession were, politically, at fore at the EC/EU-level during that period.

Since the overarching objective of the EC/EU was to contain the military Balkan conflict and to re-establish basic stability in the war-torn region, together with the fact that no EU membership prospect was envisaged for the region at that period, regional organized crime was considered in the political circles in Brussels as a marginal and exterior problem with little or no impact within the EC/EU’s frontiers. Together with the afore-mentioned X3-politics-related

¹⁸⁹ While in its relations with the CEECs the EU worked comprehensively through all its three pillars, in the Western Balkans, with a view to attaining its stabilization goals, the Union predominantly coordinated its positions and actions through the institutional mechanisms of its second pillar, the CFSP (before the entry into force of the Maastricht Treaty, the EC used the EPC’s mechanisms to coordinate its political positions on the former Yugoslavia) (Blockmans 2007: 127).

reasons, including the EC/EU's preoccupation with the future Eastern enlargement, the-then EC/EU's institutional powerlessness and structural deficiencies in criminal justice sector of most ex-Yugoslav republics¹⁹⁰ (i.e., the X2-factor) explain the Community/Union's passive position regarding the Balkan crime in the first sub-period (I2). While developing gradually its internal security cooperation with the CEECs, the EC/EU, by contrast, lacked any – even most general – strategy of how to deal with the Western Balkan crime challenge, and no major policy initiatives were launched at the EU level in 1991-95, but also in the second sub-period, to dismantle and disrupt regional Balkan criminal networks that were trafficking drugs, humans, and weapons to Western Europe in ever increasing quantities. According to R. Ginsberg, Yugoslavia of the first half of the 1990s turned into a 'testing ground' for the EC/EU's independent Common Foreign and Security Policy (Ginsberg 2011), as a result of which both the EC/EU's and the member states' individual initiatives in the JHA/internal security sphere concerning the Balkans were limited, if not absent overall. Furthermore, contrary to its actual intentions, the Union even indirectly contributed to the proliferation of criminalized activities through supporting international sanctions against the belligerent sides in the region.¹⁹¹

¹⁹⁰ Infrastructural problems in the criminal justice sector in most republics of ex-Yugoslavia were a direct consequence of their post-communist transition and the ensuing warfare and anarchy. Because of these problems, police collaboration and liaison both inside the region and also internationally, including with the Union's member-states, proceeded inefficiently in the 1990s. The admission of new Balkan republics into Interpol's structures as full-fledged members in the early 1990s* did not lead to any significant improvement in cross-border cooperation among law enforcement authorities of the Balkan states. Even though little factual information is available about the trans-frontier policing that was conducted in the 1990s, especially in the first half of the decade, both at the regional level inside the Western Balkans and internationally by individual Balkan countries, it appears that most forms of international law enforcement cooperation in the region were limited due to the warfare conditions (Brunhart and Sterie 2010: 205; Ebnöther, Fluri, and Jurekovic 2007: 433). This situation presents a strong contrast to the pre-1990s' situation when a well-developed and intense police cooperation (especially on controlled deliveries) existed between the EC's member states and their police counterparts from the communist countries along the Balkan Route (on this point see Seward 1993: 18; also 18).

* Yugoslavia was one of IPCO-Interpol founding fathers and an active participant in Interpol's anti-crime programmes. Albania as a non-Yugoslav communist republic did not take part in Interpol's activities as it opted for an isolationist path during the Cold War. After the SFRY's dissolution, Balkan states joined Interpol as full-fledged members: BiH and Croatia in November 1992, Macedonia in October 1993, Albania in November 1991, while Serbia joined Interpol in September 2001. Montenegro was the last Western Balkan country to join Interpol in September 2006. As regards Kosovo, this country did not become eligible for IPCO's membership because of its unclear constitutional status. As a result, in the 2000s, Kosovo exchanged information with the Organization through the UN Interim Administration Mission stationed in Kosovo (UNMIK). Subsequently, a Memorandum of Understanding was signed between the UNMIK and Interpol (in December 2012) permitting for direct access of UNMIK to the Interpol's telecommunication system and databases. The EU-led 'EULEX Kosovo' was also authorized to liaise with Interpol through the UNMIK (Spernbauer, 2010: 31).

¹⁹¹ The imposition of arms embargo on the Yugoslav republics in 1991 was an act marking the *grand entrée* of transnational organized crime onto the Yugoslav stage. Lasting from 1991 and until the end of Kosovo conflict, arms embargoes against the belligerent countries in the Balkans unintentionally contributed to the significant rise in the regional SALW smuggling but also to increase in other forms of serious and organized crime (Strazzsari and Coticchia 2012: 150). Once the Federal Republic of Yugoslavia was expelled from Interpol in 1992 following international sanctions against Serbia, this only added to a rapidly deteriorating criminal situation in the region. After the political removal of Milosevic and the advent of a new democratic administration in the country, the FRY was again accepted at Interpol as a full-fledged member (Ebnöther, Fluri, and Jurekovic 2007: 433).

Occasionally, during the indicated period, the EU did attempt to address the wider phenomenon of South-Eastern European crime and the negative effects thereof on European internal security in a cooperative manner. However, most of its policy measures remained *ad hoc* and sporadic, and were targeting mainly Turkish criminal syndicates operating along the heroin trafficking routes. N. Ridley (2008: 136) argues in connection to this that the broader strategic intelligence constant held by international law enforcement circles in Europe in the ‘warfare decade’ was the dominance of heroin trafficking into Europe by Turkish criminal groups, while indigenous Balkan groups were held by European police to be of comparative insignificance. For example, the so-called ‘Balkan route’ project that the EU launched in 1993 is a notable example of the Union’s general failure to tackle the Balkan crime phenomenon in the conflicts’ period. This project was the only initiative with at least some practical output that the Union attempted to organize during the first half of the 1990s to tackle Western Balkan crime. The project, with a focus on the Balkans as a drug transit zone, was initiated unilaterally by the EDU, and did not foresee direct contacts and information exchange between the Union/EDU and the respective competent authorities on the Balkan side.¹⁹² Its output consisted of only one strategic report about the complicity of Turkish criminal organizations in the trans-shipment of illegal psychotropic substances through the territory of the Balkan Peninsula (Statewatch 1997: 3). The Balkan Route Working Group on data-base sharing that the EU member states attempted to establish also in the early 1990s, is another example of the EU’s failure to organize effective anti-crime cooperation with the Balkans. After 12 months’ hard work, the Group agreed to set up one data base on Balkan crime, accessible to the European police and customs alike. However, according to V. Seward (1993: 8), the agreement was never reached due to the lack of trust, inter-agency rivalries between customs and police organizations, and the absence of clear political imperative for interaction.

In the mentioned phase, the EU was also engaged with the structural reform of the law enforcement apparatus of individual Balkan republics, especially BiH, as part of its post-conflict stabilization and conflict-prevention strategy in the region. At the same time, however, the Union did almost nothing to address the phenomenon of cross-border organized crime.¹⁹³ Remarkably

¹⁹² And even the discovery of this ‘Balkan road for drug trafficking’ by EDU/Europol was a result of exchange of information with East European police authorities, and not with the police from the Western Balkans (Bigo 2000a: 9).

¹⁹³ The ‘structural reform’ of police that the EU was implementing in the first half of the 1990s in ex-Yugoslavia (often with assistance of other international stakeholders present in the region such as the UN, NATO, the OSCE, the CoE, and individual powerbrokers such as the U.S.) included mainly basic police training. For example, in 1994, the EU (under the formal supervision of the European Commission and together with UNPROFOR, the UN-led civil police force, and the Western European Union’s (WEU) police contingent) supervised demilitarization of Mostar in BiH. One of objectives of this EU-led Administration of Mostar [(EUAM); period of operation: July 1994–January 1997] was to establish and train a unified police force of Mostar, the so-called ‘UPEM’ (Blockmans 2007: 183, 186). The EU did not, however, aim to promote cross-border police cooperation on criminal affairs, or support such forms of cooperation.

enough, while several anti-cocaine trafficking initiatives were launched by the Union in the early 1990s with such geographically distant partners as Bolivia, Ecuador, Peru, and Colombia (Carappico 2013: 467; also Ratzel: I6), the Union failed to spot dangerous Balkan drug cartels in its geographical vicinity and no real projects targeting regional Western Balkan crime were initiated at the European level in the mentioned time-span. As D. Bechev said, even though there was ‘some cooperation with the Balkans in the 1990s on matters of organized crime on part of the Community, this [*cooperation*] was the ‘tip of the iceberg’ against the backdrop of magnitude of the regional crime problem (I2).

After 1995, a fundamental change in the EU’s power-related objectives and thus its political position towards ex-Yugoslavia happened. With the cessation of major warfare in Bosnia and Herzegovina and signing of Dayton-Paris Peace Accords (in November/December 1995) that recognized Bosnia as a state and provided in detail conditions for a peace settlement, including constitutional order of the newly created (and highly decentralized) republic of BiH, military aspects of Balkan security lost much of their political relevance and appeal for the Union. Politically, in the second phase of the Union’s engagement with ex-Yugoslavia/Western Balkans (1995-1999/2001), the EU was preoccupied with devising a basic post-conflict scenario for the region, including its reconstruction and stabilization. Nevertheless, even with this shift of the EU’s objectives in the region away from military towards more civilian tasks, the Western Balkan dimension of organized crime was not given prominent place in the EU’s agenda. This was despite the fact that the *X1*-factor continued to play a strong role during the second sub-phase: the prevailing socio-economic conditions in the Balkans encouraged regional OCGs to reach beyond the geographical confines of the region and to liaise with their criminal counterparts in Western Europe. As shown in detail previously, the second half of the 1990s was marked by the increase in all three categories of Balkan organized crime in the Union, with especially Albania-linked trafficking in heroin and cannabis, smuggling of women for sexual exploitation, and illicit SALW trade becoming acute problems for European police.

As concerns the *X2*-factor, on the one hand, as argued in detail earlier, the EU’s organizational crime-fighting resources were still weak in the post-1995 phase and internally the EU was mainly preoccupied with building Europol (I6). At the same time, however, institutional law enforcement capacities inside the Union were strengthened in the second phase, thereby enabling somewhat stronger collaboration against international crime (i.e., the afore-mentioned post-1995 expansion of the EU’s remit). The *X2*-factor and related theory is therefore only partly suitable to explain the limitations of the collective EU’s approach regarding the Balkan crime

phenomenon. It appears that alongside with the *X2*-factor, the-then overarching interest-based considerations of the EU that in combination predetermined its specific political position towards ex-Yugoslavia/Western Balkans (i.e., the *X3*-politics-related factors and theory) provide major explanation why, having experienced a considerable growth in the indigenous Balkan crime domestically, the Union continued to hold the problem to be of comparative insignificance also in the post-Dayton period.

The first politics-related reason why the EU continued to ignore Balkan-linked crime in the post-Dayton period and pursued no active collaboration on this problem, notwithstanding the Balkan OCGs' rapid expansion in Europe, relates to the fact that during the second sub-phase, eastward enlargement became an absolute political priority for the EU. Much because of its 'existential preoccupation' with the CEECs, the Union proclaimed cooperation before an 'imminent common threat' of 'Eastern crime' one of its top foreign policy priorities. This explains why the Union simultaneously ignored important organized crime stemming from the proximate region of the Western Balkans. In the European political circles of the second half of the 1990s, securitization discourse developed in which the CEECs were perceived and presented as an epicentre of crime danger for the whole of the European Union.¹⁹⁴ The content of Europol's reports is particularly illustrative of how threat perceptions related to the 'expansion' of Eastern European 'mafia' in Western Europe left an imprint of subjectivity on its 'professionalized' and 'impartial' threat assessments of that period. For instance, the following emotional rhetoric can be found in Europol's 2001 Organized Crime Situation Report: 'Studies have shown that, since 1992, *the greatest single long-term threat collectively facing the EU has been the criminal finances originating from central and eastern Europe (CEE) [...], by 1993 the mostly unknown EE-OC [i.e., 'Eastern European organized crime'] groups in the past had become a serious criminal presence in about 40 countries throughout the western world. There is no doubt: EE-OC is moving west!*' (Europol 2001, italics are mine). Furthermore, as evident from reports produced by the EDU/Europol in the 1995-2000/1, the organization was almost totally preoccupied with the phenomenon of 'East European' (and 'Russian') 'mafia' that, according to the reports, took firm

¹⁹⁴ The EU's strong preoccupation with the Eastern dimension of organized crime in the second half of the 1990s was based on the subjective perception of crime threat and not justified by any reliable statistical evidence. Even though criminality rates indeed increased in the CEECs during the post-communist transition period, they still were not quantitatively higher than in the Western Europe at the same time. In view of impending Eastern enlargement, these, however, were rationalized in the European political discourse as qualitatively higher. In view of scholars, the EU's popular discourse on Eastern crime contained 'some exaggerations' (Gachevska 2009: 147-148; Mitsilegas, Monar, and Rees 2003: 127; also Lavenex 2005: 121; also confirmed by Storbeck: 18). It seems that since at that time most police cooperation inside the EU was Germany-initiated and driven, Germany's proximity to Eastern Europe and associated feelings of insecurity provide a partial explanation for the phenomenon of the growing fear of Eastern crime.

hold in Europe and was considered the most frequent perpetrator of law and order inside the EU. For instance, the report produced in 1997 jointly by the Austrian Presidency and EDU/Europol contained a whole section devoted to the phenomenon of 'Central and East European' organized crime (Europol 1998).

At the end of the 1990s, Europol published a whole series of reports dedicated specifically to the Eastern crime. These include, for example, a special situation report on THB from Central and Eastern Europe (issued in 1998; not accessible for general public). Another example is a June 2000 specialized report on the impact of East European organized crime on the EU (Europol 2001b). At the same time, while being strongly preoccupied with the Eastern crime theme, the EDU/Europol exhibited very limited attention towards the criminal situation in Western Balkans: no similar reports specializing on the Balkan crime phenomenon were released by Europol in the mentioned period. This was despite the fact that, in Storbeck's words, the 'CEE crime did not rise in the EU in 1990s' and 'certainly, Western Balkans presented a stronger threat' in this sense (18). As he recognizes, even though 'we had problems with getting information [*on organized crime*] from Western Balkans', and the EU had institutional restrictions to cooperate externally on police matters, including the weak EDU's mandate, politics of Eastern enlargement was an 'important factor' why the EU prioritized cooperation with the CEECs in the whole 1990s and until 2004 (ibid).

In short, the X3-politics-related factor of enlargement provide major part of causal explanation why the Union in the second sub-phase concentrated almost exclusively on the challenge of Eastern crime and prioritized police cooperation with the CEECs. The most important political decisions on enlargement were made by the Union in the post-1995 period. Therefore, compared to the pre-1995 phase, when internal security issues were *not* included in a systematic way into cooperative relationships with the CEECs and the EC/EU only attempted to establish the basic political framework for cooperation on respective matters with its CEE counterparts, the second half of the decade, by contrast, witnessed a considerably more systematic approach and enhancement of pragmatically-oriented forms of the Union's police interaction with the region.

Thus, already in 1995, even before starting to develop a EU-wide crime threat assessment methodology, the EU undertook its first serious attempt to identify and evaluate the extent of Eastern crime and to outline a coherent strategy on law enforcement cooperation matters with the CEECs. In October 1995, the report 'Justice and Home Affairs Cooperation with the Associated Countries' (the 'Langdon report') was released. Based on the study of ten 'associated countries'

(which by that time already had been at the first stage of their political association with the EU through the so-called 'Europe Agreements'), the report voiced the EU's strong concern with Eastern organized crime and mapped out the areas for the possible further collective action in order to prepare the countries concerned for their future accession into the Union. Specifically, the report identified combating 'drug-related and other serious crime and police training and equipment' as important issues of collaboration with the CEECs in the internal security area. The most daunting problems that were stumbling cooperation in this sector, such as institutional shortcomings and lack of resources in the candidate countries, were identified in this document, together with the priority areas for the delivery of targeted financial support through the Phare programme.

Regarding practical police cooperation, the report noted that the acceding CEE countries needed to 'make their own internal organizational dispositions in a way which is [...] compatible with the Europol structures', which, in turn, required studying data protection requirements to be linked with the Europol's operational information system. Additionally, the report endorsed the delivery of training and technical know-how and equipment from the EU's member states to the CEECs (European Commission 1996). As a result of these demands, much of the on-going police cooperation, especially at the bilateral level among the EU's member states and the CEECs, intensified over the next years. Already by the mid-1990s, 'as part of the bilateral arrangements for police cooperation, a continuous exchange of information, common training programmes and daily exchange of notes had become practice at the German-Polish and German-Czech borders', as E. Bort argues. These training practices considerably intensified in the post-1996 period, much due to the political support at the EU's level. Thus, in 1996, the European Commission started to sponsor joint seminars and a placement scheme for the EU's border police, aiming at a more integrated cooperation network' (Bort 2003: 55).

As soon as the perspective of Eastern enlargement received additional political boost at the EU's level, the Union's international anti-crime interaction with Eastern Europe reflected these evolving political circumstances. With the launch of 'accession partnerships' with the CEECs, the on-going transgovernmental cooperation on internal security issues gained a more formal basis in the enlargement framework. Thus, in 1996, the first (informal) determination of the JHA *acquis* was provided in a letter of the Irish Presidency to the CEE countries-applicants encouraging the respective legislative changes (Lavenex 2005: 122). In 1997, the decision to open negotiations for accession was taken by the Union, and the European Council started to gradually approve the CEE countries' applications for membership (in successive waves for different groups of CEECs).

Thus, in December 1997, the Luxembourg European Council approved applications for EU membership of Estonia, Poland, the Czech Republic, Hungary, Slovenia, and Cyprus (the so-called ‘Luxembourg Group’) and in March 1998, negotiations on accession begin with these six applicant states. With the increasing number of the former ‘applicant’ CEE states now acquiring the status of candidates and embarking on the accession negotiations with the Union, this resulted in further development of the EU's internal security cooperation with its CEE partners – first of all at macro-, or strategic, level, and subsequently (by the very end of the 1990s and until 2004) at the meso-, or administrative, level.

In May 1998, the JHA Council passed a joint action on the evaluation of applicant states’ implementation of the JHA *acquis*. Later that month, a separate ‘Pre-Accession Pact on Organized Crime between the Member States of the European Union and the Applicant Countries of Central and Eastern Europe and Cyprus’ was signed. Based on the third pillar’s *acquis*, the Pact outlined a broad range of concrete measures in the area of law enforcement that these countries had to undertake to attain their membership of the EU. These measures, *inter alia*, included practical support for investigations and operations, training and equipment assistance, joint investigative activities and special operations, mutual exchange of law enforcement officers, and organizing multilateral joint law enforcement projects. Establishing closer contacts with Europol and making necessary preparations enabling police authorities of the candidate countries to accede to the 1995 Europol Convention were identified in this policy document as other necessary measures towards their future membership of the EU (Council of the European Union 1998c).

At the very end of the 1990s, parallel to endorsing new big political decision on enlargement [in December 1999, at the Helsinki European Council, agreement was reached to open accession negotiations with other applicant states of Slovakia, Latvia, Lithuania, Malta, and also Eastern Balkan applicants – Romania and Bulgaria (the ‘Helsinki Group’)], the EU enhanced monitoring of the CEE candidates’ compliance with the conditionality requirements. Enhanced cooperation on law enforcement issues (including auxiliary measures in this field such as compliance with the relevant EU’s *acquis*¹⁹⁵ and overhaul of the CEE states’ respective infrastructure) was set by the Union as one of crucial pre-accession requirements, with substantial financial aid allocated by the European Commission for assisting the candidate countries in their efforts in this domain. The Commission became increasingly involved with monitoring the CEECs’ adaptation and upholding

¹⁹⁵ In May 1998, JHA Council passed a joint action on evaluation of the CEE applicant states’ transposition into national legal orders and implementation of the JHA *acquis*, which the new members were obligated to transpose into their national legal orders under the terms of the new Amsterdam Treaty. In addition, Structured Check List was developed for evaluating the CEECs’ progress in complying with the JHA *acquis*.

of the third pillar's *acquis* (the latter grew especially rapidly after the Amsterdam Treaty's entry into force). It was encouraging the candidate states' compliance with the third pillar's legislative measures through negotiating 'JHA chapters' as part of joint political dialogue with the CEE partners, was releasing annual progress-monitoring reports, and was organizing various 'assessment missions'.

The political pressure of Eastern enlargement also encouraged 'export' of operational anti-crime and cooperative police standards from the EU to the CEECs. Since common police policy was still not well-established institutionally at that time and the EU had almost no institutional resources to cooperate internationally at the meso- and micro- (pragmatic) levels, the Union mainly relied on the member states' competence and assistance to transfer to the CEECs the 'EU-wide' operational methods of police work. Much of the lead in delivering practical guidance regarding cross-border police interaction to the CEECs was taken by the large member states of the EU.¹⁹⁶ As a consequence of the fact that in the Maastricht phase European law enforcement was not very well embedded in an overall strategy, in cooperation with the Eastern counterparts, both aims and content thereof often responded to the specific interests of individual EU's member states, rather than to the Union's general strategic priorities in this area (Bigo 2000: 7-10). Furthermore, as Ratzel testifies, there was almost no cooperation and coordination among the member states' bilateral initiatives that were targeting the CEECs (16).

At the same time, however, some operational policing initiatives and training courses on law enforcement that were initiated both at the bilateral and multilateral/regional level since the mid-1990s by the EU's individual member states in collaboration with their CEE counterparts, were clearly in line with the broader EU's approach and reflected the-then existing best EU-wide

¹⁹⁶ Germany was especially active in organizing police cooperation and delivering police training to law enforcement counterparts in CEE. Much of this cooperation was based on Germany's previous contacts with the CEECs, as a result of which by the early 1990s Germany had already well-developed operational police cooperation with most countries of the former communist bloc. In 1991, it concluded bilateral treaties on fight against organized crime and drug-related crime with Hungary, followed by similar treaties with Bulgaria, the Czech Republic, Poland, and Slovakia. Given huge migration pressure that the country experienced since the late 1980s (over one million people entered Germany in 1992 across all its frontiers with the intention of staying permanently), Germany was particularly interested in eradicating OCGs that smuggled immigrants onto its territory. It cooperated on this issue through the so-called 'Budapest Process', a multilateral regional security initiative that was established in 1991. In addition to providing targeted material and technical assistance in the form of equipment, Germany also ensured a great deal of training to the CEECs in order to facilitate practical collaboration in investigating criminal organizations. Similarly, since the early 1990s, Austria, Britain, France, and the Netherlands had their own programmes of training and technical assistance in the CEECs. Thus, since 1994, France started to send liaison officers to CEECs, followed by police attaches since 1997. Their aim was to increase information exchange and to cooperate on controlled deliveries and undercover surveillance. Some countries established larger organizational structures to assist the CEE countries in their endeavours in fighting international crime. Thus, in 1992, the Central European Police Academy (CEPA), was set up as a joint Austro-Hungarian initiative in which Germany, Poland, Slovakia, Slovenia, and the Czech Republic were involved (Anderson, *et al.* 1995: 138-139, 151; Bigo 2000a: 7-10).

practices. For example, according to T. Spahic (2005: 242) and F. Gregory (2001), the aims and methodologies of police training courses that were undertaken in 1996-2000 in the Baltic states by the (Norway-initiated) Nordic-Baltic Police Academy (NBPA), were clearly consistent with the established European 'best practices' in the area and were supportive of the EU's general political ambition to promote the Baltic states' adaption to the EU within the third pillar. The design of the NBPA courses that the individual EU member states delivered during the Academy's functioning period was based on the respective law enforcement requirements that the Union supported politically, including, for instance, the eco-law for police in the Baltic countries and money laundering related to economic crimes (the course delivered by Sweden), as well as 'implementation of human rights in the police work' (the course delivered by Denmark) (ibid).

The Baltic Sea Task Force on Organized crime (founded in 1996 by the heads of government of the Council of the Baltic Sea States) was another notable example of such a 'mixed' initiative supporting not only national, but also EU-wide priorities. The BSTF was a comprehensive framework for the discussion of organized crime problems in the Baltic region at both middle and high political levels. At a national level, it involved both senior police officers and representatives of national governments such as ministers of justice, while on the higher EU level the Task Force involved the EU-level actors and donors, including the permanent representatives from Europol, European Commission, and the EU Presidency. Based on the EU's legislative framework and Schengen, and concurrently on the Nordic policing model, the Task Force promoted the exchange of information on organized crime, training and other joint initiatives (Kleiven 2012: 66-67). The overall agenda of the Task Force, despite its regional focus, thereby reflected the EU's general political interest of ensuring a higher level of internal security and regional-level cohesion in the Baltic Sea. Overall, despite lacking coordination at the EU level, operational policing practices that the individual EU member states promoted in the CEECs were consistent with political objectives of the EU's eastward enlargement policy in the sense that their tasks were to upgrade police capacities and to reduce organized crime in the applicant countries, which was clearly in the interest of the whole EU.

In short, since the EU's chief objective of the second half of the 1990s was to complete its Eastern enlargement, the Union made internal security cooperation with the CEECs and measures against Eastern crime its top political priority. As concerns the Western Balkans, given their different starting conditions (the region lagged behind Eastern Europe in its process of political and socio-economic transition) and hence different EU aims there, the Union tended to underestimate the crime threat with Western Balkan origin, and hence did little to cooperate on the

respective matters with the region. For these reasons, even though the military aspects of Balkan security lost much of their foreign policy appeal for the Union in the post-1995 phase, this did not result in any enhanced action in the internal security field in the Western Balkans. In the second sub-period, the EU's foreign policy position in the newly formed republics of ex-Yugoslavia became reoriented to embrace basic post-conflict reconstruction and regional stabilization goals. Securing a fragile peace that was achieved through so many endeavours and stabilizing the region politically became a matter of foremost priority both for the Union and for other international stakeholders present there. Especially in the years 1995-1999, most EU-sponsored initiatives in the Balkans consisted predominantly of various reconstruction projects aiming to prevent the resumption of military confrontation through enhanced regional cooperation, and to establish conditions for the lasting stability in this area. By contrast, internal security issues, including trans-border crime, remained, as before, neglected by the Union and it undertook virtually no attempts to confront the enduring problem of Balkan crime in a concerted manner in the post-Dayton period.

Institutionally, the EU's developmental policies in the Western Balkans in the post-1995 phase evolved as part of two major institutionalized region-building frameworks, both of which were underlined by the same overarching political objective of attaining long-lasting regional balance in this region. The first was 'The Process for Stability and Good Neighborliness in South-Eastern Europe', or the 'Royaumont Process'. Launched in December 1995 during the French EU presidency and modeled on the already existing EU foreign policy initiative regarding the CEECs, the so-called 'Pact of Stability', this initiative aimed at uniting together various cooperative partners working on regional projects in the areas of civil society, culture, human rights and other areas of common interest in order to facilitate the implementation of the Dayton Peace Agreement. Nonetheless, despite its comprehensive objectives, this first multilateral post-war stabilization initiative of the Union in the Western Balkans paid virtually no attention to the pressing problem of regional organized crime (Belloni 2009: 81).

In February 1996, the EU inaugurated 'Regional Approach', another institutionalized political initiative to stabilize its volatile South-Eastern periphery. In contrast to the former initiative, the latter was more comprehensive in nature and intended for the region's fundamental post-war stabilization and transformation. Specifically, stronger attention was paid in the 'Regional Approach' to the all-Balkan problems of 'soft security'. The crux of this initiative was a policy of conditionality whereby the Balkan countries' reforms in the area of democracy, rule of law, human rights and protection of minorities, together with good neighbourly relations and

enhancement of regional trade were linked to the granting to them of various political and economic benefits by the EU (European Council 1997). However, despite a comprehensive agenda and more sophisticated policy aims of Regional Approach, which, *inter alia*, involved a combination of regional and country-specific conditions, the fight against organized crime was not included into this policy initiative. Even though acknowledging crime to be an important destabilizing factor of regional development and security and speaking about the need to intensify anti-crime cooperation with the Balkans,¹⁹⁷ the Union – despite its rhetoric – made no concrete proposals or requirements concerning the possibility of organizing joint law enforcement initiatives in the Balkans as part of political and economic conditionality of the Regional Approach.

The EU's passive stance regarding crime problem in the Western Balkans in the post-1995 phase resulted from a combination of its power- and politics-related preoccupations typical for that period. In the second half of the 1990s, the EU was intensively engaged with internal reform (the Amsterdam Treaty) and the impending enlargement, as a result of which its attention to the Western Balkans was, in words of I. Bokova (2002: 24), consequently 'neither consistent, nor unified, nor decisive'. Therefore, while the scope of the EU's police cooperation expanded at that period in the CEECs, almost no EU-wide law enforcement measures were undertaken in the Western Balkans. Especially towards the end of the decade, with the political pressure for Eastern enlargement mounting and the pre-accession process gathering full pace, the Union became almost exclusively preoccupied with the CEE-related crime.

A significant extension of international Union action in the area of crime-combat took place in the CEECs, with the period especially between 1998 and 2004 witnessing a multiplication of various EU-linked cooperative projects in the field of transnational law enforcement – most of them with a focus on Eastern Europe. By the late 1990s, joint patrols and common border stations between Germany and Poland and Germany and the Czech Republic were introduced and liaison officers were sent from Western agencies to the candidate CEE countries (Bort 2003: 55). Furthermore, since the late 1990s, most candidate countries embarked on establishing national Europol units and specialized police centres with competence to fight organized crime.¹⁹⁸ In the early 2000s, the JHA Council authorized Europol to begin negotiating formal cooperation

¹⁹⁷ In 1997, the European Commission stated that 'the explosive growth of organized crime, fraud and related corruption is recognized to have considerable potential as a destabilizing factor [*in the Western Balkans*]. The fight against [*the Balkan*] organized crime needs to be intensified' (European Commission 1997b).

¹⁹⁸ For example, in 1999, International Law Enforcement Cooperation Centre was established in Hungary; in 2000, the Central Bureau of Investigation was set up in Poland, while in 2001 – the Slovak Office for International Police Cooperation was set up (Mitsilegas, Monar, and Rees 2003: 134-135).

agreements with the CEECs, and as a result agreements with Poland, Slovenia, Hungary and Estonia were signed by Agency (in October 2001), followed by agreement with the Czech Republic (in March 2002). After that, the exchange of personnel started and Europol engaged in the large-scale training operations both in and with the participation of several CEE states (Occhipinti 2003: 124, 182, 208).

If internal security cooperation with the CEECs was rapidly evolving in the late 1990s, in the same period, the Union initiated almost no independent projects to address Western Balkan crime. Unlike the CEECs, Storbeck admits, 'the Western Balkans were not destined to become the members of the EU', as a result of which the Union exhibited no strong political interest in the development of the Balkan dimension of police cooperation in the mentioned phase (18). For example, the Eastern component of PHARE included (since 1997) a substantial anti-organized crime element (Mitsilegas, Monar, and Rees 2003: 130): in the 1997-2001 period, the EU spent over 500 million euros on JHA issues in the ten CEE candidate states to modernize and support their police services (Smith, K. 2003: 184). In 1997-2001, Poland alone received nearly 40 million euros for surveillance, computer and communication technology (Bort 2003: 55). Additionally, numerous twinning initiatives were launched between the EU member states and the law enforcement administrations on the CEECs' side to assist in both capacity-building and operational aspects of joint police activities.¹⁹⁹ By contrast, the Balkan component of PHARE was mainly intended to support the general state-building and post-war reconstruction purposes.

Similarly, while numerous anti-crime and police training initiatives and projects were launched during that period to assist Eastern candidates in their preparation for EU membership (Grotius II; Oisín II; Stop II, Falcone, Hippokrates), almost no projects with a law enforcement component were initiated by the Union with a focus on the Balkans. In 1999, Europol opened its first dedicated Analytical Work Files (AWFs) on the impact of East European organized crime networks, encouraging thereby stronger police cooperation with the CEE states-candidates for EU membership.²⁰⁰ However, Europol created no dedicated AWFs with a focus on the Western Balkans. Given that especially the Balkan-linked narcotic transit, as argued previously, was on a continuous growth both inside the region and in the EU at the end of the 1990s, while, Storbeck mentions, the CEECs did not present a prominent problem for the EU in terms of drugs (18), it is remarkable that the EU-wide anti-drug projects at that period predominantly targeted drug abuse

¹⁹⁹ 'Twinning' means that European law enforcement officials were sent to the CEECs for a certain period (usually several months) to act in a capacity of 'pre-accession advisers'.

²⁰⁰ AWF 99-009, 'East European Organised Crime Networks Targeting East European Organised Crime groups and networks impacting on the EU' ('EE-OC TOP 100'); opening date: 16/11/99 (Europol 2009).

and traffic in the CEECs.²⁰¹ There were plans at the EU level to adopt joint action on the ‘Balkan Drug Route’, but it lapsed (Peers 2011: 14). In turn, as M. E. Kleiven and C. Harfield point out, throughout the whole 1990s Europol notoriously failed to identify the emergent Albanian organized crime threat – ‘just the sort of emerging strategic threat that the organization was set up to identify’ (Kleiven and Harfield 2008: 202).

To summarize, the decade of the 1990s was marked by the surge of the Balkan-linked serious crime both in the South-Eastern region and in Western Europe. Despite soaring crime, the EU (initially – the EC) failed (or was reluctant) to identify Balkan crime as a threat to its domestic security and to organize even limited response in the form of police cooperation. Given that international law enforcement cooperation with the CEECs was developing relatively actively during the same period, this points at the limitations of the *X1*-security/crime-factor and the linked theory to explain the respective international strategies of the Community/Union in the internal security field. Alongside the EC/EU’s limited institutional capabilities to operate as effective external police actor during most part of the 1990s, the *X3*-politics-related factors played a principal causal role in the EU’s indifferent position towards internal security in the Western Balkans. In the first half of the 1990s, the main EC/EU political preoccupation was to resolve the unfolding large-scale ethnic conflicts at the territory of ex-Yugoslavia, while the since mid-1990s the Union concentrated on restoring a regional balance in the former Yugoslavia. In addition, throughout the whole 1990s, the international dimension of the EU’s law enforcement and police cooperation was subjected to a larger political imperative of Eastern enlargement, as a result of which the Union concentrated its institutional resources predominantly on anti-crime cooperation with the CEECs. In short, the analysis above had demonstrated the principal causal effect of the *X3*-politics-related factors, and hence the credibility of the *X3*-related theoretical explanation concerning the EU’s international police collaboration in the 1990s.

4.2. Evolution of the EU's Law Enforcement Strategies in the Context of the Euro-Balkan Relationships During the Reconstruction and EU-accession Period

If in the 1990s there was no systematic EC/EU-wide collaboration on Western Balkan organized crime, at the very end of 1990s/early 2000s a sweeping change in the EU’s position regarding the problems of the Balkan internal security took place with police cooperation now embraced by the Union as an important element of its relations with this region. As argued earlier,

²⁰¹ For example, in 2000, the Council enabled the EMCDDA to transfer its know-how to the applicant countries (Mitsilegas, Monar, and Rees 2003).

in the 2000s, organized crime was exhibiting continuous downward dynamics both in the Balkan region itself and in Western Europe as a result of the cessation of an almost decade-long succession of conflicts (with the last major conflicts being the 1998-1999 Kosovo crisis and the 2001 crisis in Macedonia). Thus, the most significant of all Balkan-linked criminal activities – trafficking in Afghan heroin – was on a considerable decline both in the Western Balkans and in the EU in the 2000s, and reduction in other criminalized activities – THB and trade in SALW – also occurred in this period. Undoubtedly, crime did not vanish in the region after the end of armed hostilities, and the Western Balkans retained their significance both as a transit corridor and a source of organized crime. However, since the progress in Euro-Balkan internal security cooperation occurred in the 2000s in the situation of progressively *declining* crime, this points at the causal impotence of the *X1*-factor and concomitant theory to explain Euro-Balkan police cooperation in the reconstruction and EU-accession period.

The *X2*-factor and the attendant theory, in turn, are powerful enough to explain an *overall* intensification of Euro-Balkan law enforcement collaboration in the mentioned phase (i.e., within the longer time-stretch of the 2000s). This is because the timing of acceleration of Euro-Balkan law enforcement cooperation that occurred in the 2000s generally coincided with the hastened pace of organizational development and rationalization of the EU's law enforcement model. The latter, as argued above, was reaching the third and fourth stages of institutional evolution in the early 2000s. In the mid-2000s, the EU already had a relatively well-developed institutional model of police cooperation with supranational characteristics and with the Lisbon Treaty's adoption at the end of the decade, the system was gradually approximating fifth, or mature, institutionalization stage.

At the same time, however, Euro-Balkan police interaction in the indicated phase, even if one takes into account the sub-factor of 'delayed causation',²⁰² can still be only partially explained by the *X2*-factor and related theory. This is because the trajectory of Euro-Balkan law enforcement in the 2000s only partly correlated with the respective institutionalization dynamics within the EU. Thus, if in the third sub-period of 1999/2001-2005/6 the Union was already more or less equipped organizationally and had adequate instrumental capabilities enabling cooperation on police matters

²⁰² The *X2*-related sub-factor of 'delayed causation', which permits for the existence of a maximum two years' time-lag from institutionalization of the relevant policy – and the expected outcome (in our case, in the form of respective law enforcement initiatives) partly explains the lack of meaningful Euro-Balkan police cooperation in the third sub-phase. As demonstrated previously, in the early 2000s, despite important institutional innovations ushered by the Treaty of Amsterdam and the Tampere European Council, it still took some years for the newly created institutional infrastructure to consolidate and to catch up with the proclaimed line of action. For example, for several years after its creation in 2000, CEPOL functioned in a limited regime, while Europol in the first half of the 2000s did not function at its optimum as it was still trying to 'come to terms' with its rapidly changing mandate and competence.

with the third countries, the presence of resources did not – contrary to expectations derived from the *X2*-factor-linked theory – prompt the Union to embark on a significantly more active police cooperation (as it was in the next sub-period). Surprisingly enough, in the third sub-phase, virtually no police work was conducted between the Union and the respective authorities on the Balkan side. The timing of the institutional change in the EU towards stronger supranational law enforcement system (full-fledged fourth institutionalization phase) coincided with the real expansion of the EU's law enforcement practices in the Western Balkan region only in the last temporal segment of 2005/6-2011, which indicates that the *X2*-factor had the strongest 'causal power' only during this sub-period. By itself, the *X2*-factor was, of course, far from acting as an *independent* cause of events. Once again, this was because the manner in which the EU utilized its institutional law enforcement potential while cooperating with the Western Balkans was chiefly reflective of the political dynamics of the EU's relations with this region.

Whereas the *X1*-factor-related theory holds little causal power to explain Euro-Balkan police cooperation, and the *X2*-factor-related theory only partly explains the tendencies thereof, the *X3*-political factor and theory, by contrast, appear to provide the strongest causal explanation concerning both the nature and evolutionary trajectory of the Union's international law enforcement activities in the Western Balkans in the 2000s. The following analysis is intended to demonstrate that the cooperative dynamics of Euro-Balkan policing in the 2000s predominantly responded to the development of the Union's political interests and ambitions concerning its Balkan 'backyard'.

The first major 'change-inducing event' that prompted the Union to recognize the Balkan domestic security situation, including organized crime, as an integral part of its own security and to embrace cooperation on police matters as an essential component of its power politics in this region, was ethno-political crisis in Kosovo of March 1998–June 1999, accompanied by the subsequent NATO military invasion. In words of R. Biermann, for the European Union, the Kosovo crisis became a major 'eye-opener' (Biermann 1999: 7) because it revealed profound politico-strategic miscalculations of its previous policy line in the region. These, namely, included serious drawbacks of the regional system of collective security that the Union attempted to construct in the Balkans in the 1990s through its diplomatic demarches, chronic dependency on the U.S. presence in the region, and the limitations of the post-Dayton region-building strategies that now seem to have failed blatantly in achieving their proclaimed stabilization objectives.²⁰³ In

²⁰³ According to D. Bechev (2006: 32), while the Royaumont Process was too narrowly focused thematically, the Regional Approach failed to address Western Balkans as a coherent regional whole. Contrary to its original intentions,

other words, the Kosovo crisis exposed a severe ‘credibility problem’ (Romano Prodi, as cited in Ward 2004: 221) in the existing Euro-Balkan relations, together with a wider ‘capability-expectation’ gap of its previous CFSP strategies: as R. H. Ginsber (2011: 59) put it, the previous EC/EU foreign policy regarding ex-Yugoslavia/Western Balkans was ‘uneven, imperfect and flawed’.

It is mainly because of the Kosovo conflict, which dealt severe blow to the EU's credibility as international actor, that major change in the EU's strategic thinking regarding its South-Eastern borderlands occurred. Instead of previous short-term and reactive initiatives, the Union decided to opt for a *proactive, comprehensive and longer-term* conflict-prevention and integration strategy towards the Balkans, intended to compensate for the previous deficits of its CFSP that failed to eradicate the underlying roots of conflict. The growing understanding in the EU that enlargement would become a ‘superior stabilization policy tool’ (Giamouridis 2007: 185) also in the Western Balkans’ case coincided with the-then growing political aspiration of the Union to become a proactive and global actor and to ‘[...] increase its influence in global affairs [...]’, as expressed in Agenda 2000 (European Commission 1997a). As was later formulated in the 2003 European Security Strategy, the entire ‘credibility of our [*i.e. the EU's*] foreign policy depends on the consolidation of our achievements in the Western Balkans and [...] [*the EU's*] task is to promote a ring of well-governed countries to the east of the European Union [...] with whom [*it*] can enjoy close and cooperative relations’ (Council of the European Union 2009c).

The paradigmatic shift in the EU's political line concerning its Balkan periphery materialized in the launch (almost immediately after the Kosovo crisis) of the two new institutionalized political frameworks for its relations with the Western Balkans – the ‘Stability Pact’ and the ‘Stabilization and Association Process’ (SAP), the policy of South-Eastern enlargement.²⁰⁴ Much by contrast to the previous major foreign policy initiatives of the EU in the Balkans (*i.e.*, the Royaumont initiative and the Regional Approach), the phenomenon of indigenous Western Balkan crime was now acknowledged in the EU to be at the core of profoundly interdependent security problems in the region and police cooperation acquired

the Regional Approach only reinforced the pre-existing differentiation among the participating Balkan republics. Another serious drawback of the Regional Approach was ‘negative conditionality’ (*e.g.*, in the form of limited contractual relations, exclusions from the association agreements and in the case of Serbia – sanctions), while positive incentives were insufficient. Obviously, as the Kosovo crisis has shown, the EU-promised trade concessions and financial assistance were not enough to draw the Balkan states onto a path of sustainable transformation (Elbasani 2008).

²⁰⁴ The SAP was initiated by the European Commission in May and endorsed by the Council in June 1999, while the Stability Pact was adopted in June 1999 and officially inaugurated at the international summit in Sarajevo in July 1999 (Council of the European Union 1999a; European Commission 1999; Stability Pact 1999a).

priority status in Euro-Balkan relations in the afore-mentioned two strategies. While in the previous decade, notwithstanding its engagement with the resolution of Balkan security problems, the Union treated the Western Balkans as largely separate from the 'European mainstream', now, a rhetorical shift occurred whereby this region ceased to be external to European civilization and the Union started to increasingly consider it as its own. This internal psychological change in the EU's perception of the Balkan 'Other', which was now embraced by the Union as part of 'Self', was a major underlying, or 'constitutive', factor prompting the enhancement of Euro-Balkan functional police collaboration. This factor was, however, also politics-related as it was concerned with the next round of the EU's 'existential search' for power in its periphery.

Since the Balkans now belonged to the sphere of the EU's 'existential' political concerns related to its search for control and power over its geographical periphery, and through the promise of EU membership the region became increasingly considered in the EU as a potential future part of 'European space', the regional Balkan crime problem became also the *European Union's problem*. In the years 2002-2003, a debate on the future boundaries of the Union unfolded in the EU coinciding with the wider debate on the EU's constitutional reform. According to E. Greco (2004: 64-65), most EU states were now unanimous that the South-Eastern European region belonged to the 'EU's space' and that the unification of Europe would be complete only after the Balkan countries' accession. As R. Belloni (2009: 317) put it, the European vision of the region shifted 'from a view of the region as irremediably alien, leading to a policy of containment, to a view that stressed the common heritage and interlocked future between the two areas', ultimately leading 'to a policy of inclusion/integration'.

The overall change in the EU's political position concerning the Western Balkans that occurred in the early 2000s led to the growing securitization of regional Balkan crime. Thus, while in the 1990s the EC/EU *de facto* ignored Balkan organized crime, now such high-profile criminal cases as assassination of Serbian prime minister Zoran Djindjic in 2003 by the network of paramilitaries linked to Balkan mafia circles (Gadjanova 2006: 188), as well as involvement of president of Montenegro Milo Dukanovic into the illicit contraband of cigarettes in 2002, became a matter of heated discussion in the political circles in Brussels. While in the 1990s the Balkan-linked crime phenomenon was a matter of concern for individual EU's states only, since the early 2000s, Western Balkans became increasingly presented in EU rhetoric as a 'gangsters' paradise' and a 'breeding ground' for criminals.²⁰⁵ At the 2002 London conference on South-Eastern

²⁰⁵ This new perspective on the Western Balkans as the stronghold of organized crime was supported by the alarmist journalist-style investigation and semi-professional 'threat assessments' of the Balkan criminal phenomenon that were

security, regional criminality was even compared to a sort of military threat: '[Balkan] organized crime threatens all of us. It is an *enemy we must defeat, or it will defeat us [italics are mine]*' (The London Statement 2002).

However, despite these 'securitization moves' and belated political recognition of the need to tackle Balkan organized crime, during the initial post-Kosovo period and well until the mid-2000s, the Union did not succeed in formulating a consistent stance and in devising a coherent policy regarding this problem. The reason why political rhetoric was not accompanied by an adequate and detailed strategy to tackle crime partly lies in the fact that in the early 2000s the EU was still uncertain about the exact scenario for the region, and irrespective of its official proclamations, the Union continued to maintain an ambivalent political stance towards the Balkans. Politically, the Union oscillated between the Stability Pact and the SAP, both of which followed radically different political logics. If the Stability Pact was intended to serve a basic post-conflict (post-Kosovo) stabilization and 'conflict prevention' tool of the region, and also underlined wider Euro-Atlantic aspirations of its Western Balkan participants, the SAP was a policy of a comprehensive, step-by-step transformation of the Western Balkans aiming at the region's eventual integration into the 'European mainstream'. Whereas the EU participated in the Stability Pact on an equal footing with other international stakeholders present in the region, including in the U.S. and the UN, in the SAP's case, the Union acted as an exclusive patron of this initiative.

Even though both policy initiatives were launched almost simultaneously, in the initial post-Kosovo phase (and approximately until 2003/2004), the Stability Pact acted as a leading institutionalized avenue to coordinate the Union's foreign policy regarding the Balkans, while the SAP was in 'dormant state' and served as a complementary instrument to the former approach. In the first years post-Kosovo, as a result, the Stability Pact was a principal vehicle for the Union to pursue cooperation in the domain of internal security in the region, and the respective projects were launched by the Union mainly through the Pact's institutional mechanisms. By contrast, the EU did not 'activate' the SAP's sectoral JHA dimension in the first years of this initiative's functioning and very little, if any, police work was carried through its institutional mechanisms.

appearing in ever increasing quantities since the early 2000s. These alarmist reports contributed to the rising popular notion of the Western Balkans as a 'gangsters paradise' (e.g., Mappes-Niediek 2003). A similar discourse can also be found in various political statements, speeches by high-ranking EU's politicians, and declarations of the Union's bodies that were issued in the EU *en masse* in the early 2000s. The U.S. also fanned the flames of this heightened rhetoric: the officials of the U.S. Council for Foreign Relations once stated that organized crime in the Western Balkans is a problem so serious that it needed to be 'considered on equal grounds with global terrorism' (as cited in Stefanova 2004: 258).

Consequently, the SAP-related police cooperation gathered full pace only from the mid-2000s, after the ‘political demise’ of the Stability Pact and the accompanying changes in the EU's position regarding the Balkans. Both the aims and pragmatic content of the Balkan-oriented cooperative law enforcement projects that were launched by the Union under the aegis of both Pact and the SAP were reflective of both the evolutionary dynamics and the underlying power-political rationales of these EU's two large-scale institutionalized initiatives in the Balkans.

Unlike the SAP, which is a much more comprehensive and future-oriented policy of enlargement (and hence, in principle, a major EU policy initiative in the region), the Pact was specifically tailored to address regional security challenges in the Balkans in the immediate aftermath of the Kosovo conflict. E. T. Fakiolas and N. Tzafakis (2008: 382) point out that the main political intention behind the Stability Pact initiative was not to ensure a comprehensive transformation of the Balkans (the indigenous goal of the SAP), but ‘to plot a route in response to the Kosovo war’. In the words of S. Blockmans (2007: 3), in the immediate aftermath of Kosovo conflict, there was a realization that ‘any stable, long-term settlement in the Western Balkan *[would]* not be possible until all ethnic-territorial and constitutional disputes are resolved’. In this sense, the Stability Pact, which was initiated under the CFSP, had a comprehensive membership (over 40 countries, including indigenous Balkan participants, and international organizations²⁰⁶), and focused on conflict prevention through the promotion of democratization, peace, and regional partnership in the Western Balkans, was considered as an ideal transitional solution until a more comprehensive integrative framework of the SAP gains momentum.

In other words, by adopting (in the initial period after Kosovo) the Stability Pact as its chief initiative, the Union in fact took a wait-and-see approach until making a more credible political solution regarding the future of its Balkan periphery. As D. Bechev argues, the Pact was ‘put together in a hasty manner, very much under the pressure of circumstances *[and it]* reflected the EU's conviction that something must be done’ (Bechev 2006: 34-36). The result of the Union's continuing ambivalent and wait-and-see political approach regarding the ‘European perspective’ of the Balkans, despite the Pact's formal emphasis on JHA, was a limited number of respective internal security initiatives that were launched in the Balkans during the Pact's functioning period. While foremost attention was accorded by the Pact's stakeholders, including the EU, to the large-

²⁰⁶ Institutionally, the Pact represented a continuation of previous political initiatives of international community in the Western Balkans, including the ‘Contact Group’ (France, Germany, Britain, Italy, Russia and the United States) and the so-called ‘Peace Implementation Council’ (the *ad hoc* coalition of 55 states and international institutions; until 1995 – the ‘International Conference on the Former Yugoslavia’, with formal responsibility for regulating international administration of Bosnia) (Chandler 2007: 595-596).

scale and pressing projects with a focus on democratization, infrastructure, and economy-building, which continued to be seen by the EU as a matter of priority *vis-a-vis* 'politically secondary' JHA issues, very little attention was accorded to the functional projects with a focus on internal security. In short, since the paramount political objective of the Union's post-Kosovo policy was to re-establish and maintain a regional balance across the former Yugoslavia, which, together with the fact that in the early 2000s the EU continued to lack well-thought out and comprehensive regional cooperation and an integration strategy in the Balkans (*inter alia*, because of its continuing preoccupation with the CEECs), the Stability Pact with its general content was an ideal transitory solution for the Union to deal with regional security issues in the Balkans. The result of the EU's political ambivalence was that Euro-Balkan police activities intensified only in the post-2005 period, after the completion of the big bang enlargement project and the Union's eventual offer of a *credible* accession perspective to the regional Balkan states.

Due to the afore-mentioned politics-related reasons, during the Stability Pact's functioning period, only general anti-crime- and police-related projects were implemented by its 'JHA Working Table' [the 'Working Table III' WTIII)], the main body within the Pact's institutional structure responsible for the implementation of JHA cooperation. In terms of content and purpose, these Pact's projects were strongly reflective of the EU's (and its counterparts under the Pact) prevailing political concerns with the stabilization and the post-war transformation of the regional security environment through establishing structural conditions for pacification in the area (Greco 2004: 66). This was notwithstanding the fact that officially, the Stability Pact operated through 'horizontal-level projects', i.e., with its participating actors being formally free to decide on both strategic parameters and operational modalities of their joint law enforcement activities. Since insufficient regional interaction in the Balkans in the 1990s was one of reasons behind ethno-political conflicts, the EU considered strengthening cooperative ties among former rivalries through, *inter alia*, enhanced criminal justice interaction, as one means of ensuring pacification and political consolidation of the war-torn region. For this reason, the Union especially encouraged the WTIII to advance internal security projects with a broader regional orientation. The projects motivated by this overarching strategic rationale were given explicit priority over more pragmatically-oriented anti-crime and police-related projects.²⁰⁷ The WTIII's internal security and law enforcement initiatives underpinned by the afore-mentioned overarching political rationale were provided primary financial support by the Pact's donors. The EU's fundamental

²⁰⁷ The number of WTIII's law enforcement projects concerned with an immediate issue of fighting organized crime was extremely limited. The 'Stolen Vehicle Crime Project' was one of exceptions in this regard (Busek and Kühne 2010: 572).

interest of handling negative ramifications of the Kosovo crisis and of averting the outbursts of potential future conflicts in the region underlined most projects with internal security component that were executed by the WTIII in the 2000-2005 period.

In particular, the political objective of ensuring horizontal partnership and political equality among the Western Balkan participants of the WTIII, as well as preventing any side from gaining a dominant position and thus eliminating the ground for the potential future conflicts in the region, was at the core of two police-related initiatives with a wider thematic focus that were implemented as part of the WWIII – namely, the ‘Initiative to Fight Organized Crime’ (SPOC), and the ‘Police Forum Initiative’ (PFI). Both initiatives are worth describing in more details here as exemplary of the EU's and the international community's major strategic aims regarding the Balkans, characteristic of the post-Kosovo period.

The first sectoral project, the SPOC, was organized and run by the WTIII from 2000 to 2005, with Austria as its main coordinator. The SPOC represented a comprehensive, or the so-called ‘umbrella’ initiative, with an array of other smaller sub-projects implemented under its framework during its functioning period. Most SPOC's sub-projects were characterized by the similar political ambition of the Union to promote the Balkan security sector reform and, more generally, to create ‘regional security partnership’ (Attina 2005) among the Pact's participants. As a concrete example, the sub-project on a draft regional police cooperation convention based on the pre-Schengen standards of law enforcement can be mentioned. The rationale of enhancing regional interdependence in the internal security area among the former rivalries in the Balkans was at the core of this initiative. Since the lack of strategic coordination among regional republics was one of reasons behind the Kosovo conflict, the project was particularly inspired by the larger aim of improving relationships among its Balkan participants. To accomplish this objective, the WWIII initiated strategic discussions among various international actors present in the Balkans on the all-regional problems of soft security. At the time of writing the draft convention, regional experts with a ‘security background’, including legal and academic practitioners, police officials, customs officers, border guards, and representatives of criminal intelligence services worked on devising a holistic anti-crime strategy for the whole of the Balkans (Muenchow 2003). The WWIII encouraged an open dialogue among the Balkan security practitioners in order to establish a nascent epistemic community of security experts in South-Eastern Europe, to ‘bind’ regional security concerns together, and thereby to provide a remedy against potential future conflicts. Since in terms of their professional and educational background these experts came from different branches of the security sector, their dialogue was essential for creating the so-called ‘integrated

security complex' (Mocnik 2008: 91) in the Balkans and thus for ensuring an even stronger all-regional anchorage of national security concerns of the participants.

The promotion of closer regional ties and interdependence in internal security area among the former rivalries in the Balkans was also at the core of another SPOC's police-related sub-project. Practically, the intention was to reach this objective through the standardization of criminal justice legislation across the region (Brunhart 2007). The Bucharest-based SPOC's Secretariat was at the forefront of respective endeavours to push the participating Balkan states into unification of their domestic anti-crime standards, in line with the existing international and European agreements on combating organized crime. At a first stage, the Secretariat examined the loopholes in the existing legislation of the Balkan countries in the area of crime-combat, while at the second stage it monitored the participating countries' implementation of the UN 2000 Convention on Transnational Organized Crime and the 1959 Council of Europe's Convention on Mutual Legal Assistance in Criminal Matters (both conventions contain substantial provisions for international police collaboration). Specifically, the SPOC's Secretariat encouraged Balkan participants to increase their compliance with the respective international anti-crime standards contained in the mentioned conventions. The project was a success: almost simultaneously, the Balkan countries introduced required modifications into their domestic legislation. Through advancing legal homogenization of law enforcement practices of the Balkan countries in line with the existing international 'best practices', the project contributed to mitigating potential legal frictions stemming from different criminal justice systems in the region and thus contributed to better cooperative police opportunities in this area. From a wider strategic perspective, the project was instrumental in improving regional interdependence among the Balkan states in the domain of internal security.

Since the mentioned initiatives of WWIII were not geographically limited to the Western Balkans, through its SPOC's sub-projects, the Pact's 'JHA Work Table' also contributed to both the EU's and international community's overarching political objective of a pan-European security system building. Thus, during the period of implementation of the afore-mentioned project on devising the all-Balkan agreement on crime prevention, the SPOC worked to involve a widest possible range of security actors both from the Balkans [e.g., the parliamentarians of regional countries and organizations responsible for security cooperation, including the U.S.-sponsored South-Eastern European Cooperation Initiative (SECI), the South Eastern Police Chiefs' Association (SEPCHA), and the SEE Prosecutors Advisory Group (SEEPAG)] – and relevant donors from the European side (e.g., representatives of the European Parliament) – into work on

this collective security strategy. This gathering together and communication of high-level political actors in a dense institutional environment was instrumental not only in terms of accomplishing the project's formal objectives. Given that insufficient consultation at a regional level among the Balkan governments and international stakeholders was one of reasons behind the previous conflicts in ex-Yugoslavia, this initiative, in effect, acted as a form of 'preventive diplomacy' in the region. This is because by encouraging networking among the afore-mentioned actors, this SPOC's sub-project simultaneously contributed to reducing the potential for misunderstanding among diverse ethnic groups involved in its implementation.

The political logic was also at the core of another sub-project of the Stability Pact's 'JHA Work Table', the PFI. The PFI, which ran in the 2001-2006 period, was institutionally similar to the SPOC's 'umbrella' initiative as several smaller sub-projects were implemented by the WTIII through the PFI as part of its assigned mandate (Stability Pact for South Eastern Europe 2003). Yet, unlike the SPOC with its emphasis on the underlying structural (i.e., legal and political) aspects of building a regional security environment in the Balkans, the PFI intended to contribute to the Union's political objectives in the region at a more technical level. In terms of its content, the PFI consisted mainly of various training projects of law enforcement officials of the participating Balkan states, with its tasks, however, reaching far beyond ordinary police education and training. Since one of proclaimed political objectives of the Stability Pact was building 'good governance' in the Balkans (Greco 2004), the sub-projects that were conducted within the PFI's framework were designed in such a way as to contribute to the post-conflict rehabilitation of the administrative law enforcement structures in the beneficiary Balkan states.

In order to reach this aim, the WTIII initiated several capacity-building seminars for senior police officers at the decision-making level. Organized under broader themes of 'Police Management' and 'Police Training', the PFI's training modules intended to both promote legal consistency and to reduce institutional incompatibilities in the law enforcement sector in the Balkan area. The specialized training modules 'Policing in Multicultural Society' and 'Police Ethics' were other examples of projects by which the WTIII aimed to contribute to the 'good governance' and rule of law building in the Balkans. By offering such modules to the participating local police representatives, the WTIII especially sought to upgrade normative standards of regional law enforcement to the 'ethically superior' standards of European policing. Since violent police malpractice, including participation in 'cleansing' of ethnic minorities, was one of major causes behind the previous ethno-political conflicts in the Balkans, through fostering democratic policing practices in the region, these training modules contributed to the fundamental political

objective of the EU to eliminate the root causes of the potential future conflicts in the fragile post-Kosovo regional environment.

In sum, in the early phase of the reconstruction/EU-accession decade, the EU's collaborative law enforcement efforts in the Western Balkans were predominantly anchored in the institutional framework of the Stability Pact and were reflective of the latter's overarching political aspiration to ensure the basic 'structural rehabilitation' of regional security environment. The amount of initiatives undertaken under the Pact's WWIII with a focus on immediate issues of 'functional' policing was, as already mentioned, negligible and in terms of practical effects the results were not impressive. This is because politically, even though recognizing the importance of ensuring internal security in the Balkans, the Union at that time still considered police cooperation to be of minor significance, especially by comparison to the large-scale infrastructure and economic projects. According to D. Bechev, the Pact was a 'flawed institution from the beginning' (I2). Thus, while most financing was intended for the Work Table II (economic issues) and to the Work Table I (democracy and human rights), the 'JHA Work Table' responsible for sectoral internal security projects remained considerably under-staffed and under-financed (Bechev 2011: 122).²⁰⁸ Instead of dealing with immediate issues of crime and police cooperation, and overall working proactively for the search of comprehensive long-term solutions for the region, the Union and its institutional counterparts under the Pact used the WWIII to advance their political interest of containing conflicts and ensuring basic post-conflict rehabilitation of the region. As the Union did not ultimately vest too much political interest in the Stability Pact, in just several years after its inauguration (by approximately 2003/2004), the Pact moved to the side-lines of Euro-Balkan policy process²⁰⁹ with its programmes losing much of their initial appeal for both the Union, the international stakeholders, and the Balkan participants.

With the gradual marginalization of Stability Pact as a channel for the Union's policy initiatives in the Balkans, the SAP acquired the status of principal institutional framework for the Union's involvement in the region, including on matters of internal security. Politically, both in terms of its underlying rationale and content, the SAP differed from the preceding initiative of the Pact. In particular, unlike the Pact with its vague political perspectives,²¹⁰ the SAP offered its

²⁰⁸ In words of Greco (2004: 67), there was a fundamental contradiction between the Pact's ambitious goals and the relatively small resources at its disposal. This, obviously, was one of key reasons behind the Pact's eventual collapse.

²⁰⁹ The Stability Pact was placed under the OSCE fold in 2003 (Fakiolas and Tzafakis 2008: 385).

²¹⁰ The only rhetorical commitment on part of the Pact's stakeholders was to ensure 'firm European anchorage to the region' (Stability Pact 1999b).

Balkan participants a clear promise of membership of the EU.²¹¹ A cementing political principle of this policy initiative was the policy of conditionality rooted in the system of incentives and rewards and accompanied by a gradual, step-by-step, process of the Balkan applicants' approximation with the Union. In contrast to the Pact, the SAP was devised as a *comprehensive* political framework for the Western Balkan states' inclusion in the EU, with the Union capitalizing on its 'attractiveness' and 'structural dominance' over the Balkan aspirants, including promise of access to its decision-making and resources, to realize its power objectives in the Balkan space. Politically, the SAP was a twin brother of the EU's Eastern engagement policy: like the previous enlargement initiative, it was designed in an 'imperial manner' and was reflecting of old-style power-politics, although these kinds of aspirations were never explicitly voiced by the EU and officially the policy was orchestrated in a careful and benign manner (Zielonka 2006: 54-55). Even more to that: the scope of the EU's intrusiveness and control over the Balkan countries within the SAP was unprecedented. Thus, the Union not only attempted to construct hegemonically its cooperative agenda with the Balkans at the level of strategic decision-making, but it sought to authoritatively interpret the norms of interaction and to unilaterally define cooperative modalities also at more practical level, with its supranational institutions being at times central to the decision-making regarding policing process at both meso- and micro-levels. In addition, the parameters of joint activities under the SAP were bound to the implementation of mainly EU-wide crime-related priorities in the Balkans.²¹²

²¹¹ D. Bechev defines Stabilization and Accession Process as a 'quasi-accession' rather than full-fledged association framework. This is because despite membership commitment that the Union made to the Western Balkans already in the early 2000s, the EU at the same time remained uncertain about the credibility of its membership prospect. Aware of the enormity and systemic character of problems plaguing the Balkans, the EU did not specify the exact date for accession. The accession date was left open, and made dependent on the Balkan countries' individual progress in complying with the EU-defined accession requirements. In the mid-2000s, after the completion of the 'big bang' enlargement project, the Union additionally faced with numerous challenges of 'absorbing' the newcomers, as a result of which debates on the EU's 'integration capacity' started in Brussels. As a result, South-Eastern EU's enlargement turned into a 'long-term process' (Bechev 2006: 42).

²¹² The following examples underscore the hegemonic character of organization of police activities within the SAP's institutional framework. Thus, as concerns the macro-level, the examination of content of 'JHA chapters' of SAAs and the Commission's annual Progress Reports monitoring the candidates' compliance with the EU-posed demands in the JHA sphere reveals that the Union especially prioritized police cooperation between the Balkan applicants and its own member states, as well as collaboration on the regional level among the Balkan states. At the same time, the SAP did not require from the Balkan participants cooperation with important third countries along crime export-import routes such as Turkey and Iran. The meso-level Euro-Balkan police cooperation conducted through Europol's and CEPOL's channels was also tied to the implementation of mainly EU indigenous interests in the internal security domain. At the micro-level, the EU attempted to hierarchically influence tactical/operational modalities of Euro-Balkan policing through the Commission's and the JHA Council's involvement in the strategic deliberations of the Balkan network of liaison officers. Both the Council's and the Commission's officials participated in the regular meetings of the Western Balkan liaison officers, during which they were proposing tactical measures to be undertaken by the Balkan police authorities to improve their operational law enforcement contacts and activities in the region (Council of the European Union 2009a). Another example of the EU's attempts to centrally impact law enforcement practicalities in the Western Balkans are advise and support that the Commission rendered to the joint anti-crime exercises of the Police Cooperation Convention for Southeast Europe (PCC-SEE 2011b).

Specifically, the main conditionality instruments that the EU used to attain the Balkan aspirant states' compliance with its requirements in the sphere of law enforcement were bilateral contractual agreements – the Stabilization and Association Agreements (SAAs),²¹³ the European Partnerships, and the Accession Partnerships. In addition, the new assistance programme – the Community Assistance for Reconstruction, Development, and Stabilization (CARDS) – was agreed by the EU in December 2000 as a replacement for the previous EU programmes in the region – OBNOVA²¹⁴ and PHARE (Council of the European Union 2000b).²¹⁵ Drawn in collaboration with target countries, EU member states and other donors, CARDS involved both individual countries' strategies and a common regional strategy (Elbasani 2008). The provision of the Union's financial assistance to the Balkan aspirants was made contingent upon, *inter alia*, their successful performance in the JHA area, including their success in fighting organized crime by means of enhanced police cooperation. In other words, the fundamental principle underlying the SAP was a hegemonic political approach, according to which the EU assumed the role of patron towards the Western Balkan countries. The 'asymmetric security relationship', or 'relationship of tutelage', as D. Chandler (2007: 606) put it, characterized cooperation also in such traditionally depoliticized and technical sphere as law enforcement that was conducted under the SAP's aegis in the 2000s between the EU and the Western Balkan aspirants. Clearly, cooperation in this sphere was overall reflective of what K. Millett (1969) defined as a quintessential nature of politics: the 'power-structured relationships, arrangements whereby one group of persons is controlled by another'.

If strategic agenda of police cooperation under the SAP was intended to satisfy the EU's core power-political ambition to integrate the Western Balkans into the 'European mainstream', the practical Euro-Balkan police cooperation that was conducted in the 2000s through the SAP's institutionalized mechanisms mainly reflected and responded to the trajectory of political evolution of this policy initiative. As already mentioned, especially in the early post-Kosovo period, the Stability Pact acted as a principal institutional framework for the EU's collaboration in the Western Balkans on matters of internal security and police cooperation. Since it took several years for the alternative framework of the SAP to gain momentum after its official inauguration and to assume a dominant role in the region (by the 2003-2004), the SAP-related police measures

²¹³ The SAAs are the SAP's principal conditionality instrument. The agreements provide the basis for implementation of the participating Balkan states' commitments in the JHA area, as part of their pre-accession process.

²¹⁴ 'Obnova' means 'reconstruction' in the language formerly known as Serbo-Croat. In 2000, the EU's funding instrument in the Western Balkans 'OBNOVA' was replaced by the new funding instrument of CARDS (Blockmans 2007: 245).

²¹⁵ During the European Council meeting in Brussels in July 2006, CARDS was substituted by 'IPA', a new 'Instrument for Pre-Accession', covering all Western Balkan candidate and potential candidate states.

of the EU were extremely limited and there was no systematic cooperation in the law enforcement domain between the Union and its Balkan counterparts during the SAP's early functioning phase.

In the third sub-period (2000-2005/6), as was observed in connection with the Stability Pact, the Union's position regarding the Western Balkans remained much in line with the pre-established pattern of its engagement in the region, with stabilization of the regional security environment and constitutional reforms there being of paramount political significance for the Union. In the first years after the SAP's inauguration, resolving the remaining constitutional problems of Yugoslavia's disintegration (e.g., in BiH, between Serbia and Montenegro, and between Serbia and Kosovo) and ensuring general political stabilization of the region dictated and prescribed as much of the underlying logic of cooperation under the SAP, as the logic of its institutional counterpart, the Stability Pact. The EU realized that its inability to resolve security problems left from the warfare period and the mismanagement of remaining constitutional issues would entail the resumption of conflicts. Therefore, during the third sub-phase, as follows from the analysis of the first Commission's and the Council's SAP progress reports (i.e., those issued in 2000-2003/4 period), the Union was pre-occupied with the applicants countries' progress in democratic reform, refugee return, and compliance with obligations stemming from the International Criminal Tribunal for the Former Yugoslavia (ICTY). Profound reforms and reconstruction of the security sector in the Balkans, institution-building and improved regional collaboration among the SAP's Balkan participants, and other structural policy measures assumed a preponderant role in the Union's politics in the region.²¹⁶ The EU strongly insisted on the Western Balkan aspirants' compliance with the respective provisions of their SAAs and the overall SAP's conditionality agenda in order to secure the previously achieved peace agreements and to consolidate international protectorates established previously both in BiH and Kosovo.

An additional X3-politics-related factor explaining the slow development of Euro-Balkan internal security cooperation under the SAP in its early functioning period was the Union's preoccupation (until mid-2004) with preparations for the eastward enlargement, while (as already noted) the EU was still lacking 'a coherent expression of its [*strategic*] aims in SEE' (Chandler 2007: 604). Even though, according to D. Bechev (I2), 'Western Balkans were not sidelined [*in the EU's politics*] in the early 2000s, until 2004, the CEECs *de facto* remained a top priority for the Union, while the Balkans were secondary [*in the hierarchy of the EU's foreign policy*]

²¹⁶ In some Balkan countries like in BiH and Macedonia, these measures were complemented by the EU crisis-management missions. Thus, in Macedonia, the EU deployed its 'EUPOL Proxima' police mission, while in BiH it stationed the EU's Police Mission (EUPM).

priorities]'. These concerns rooted in the EU's 'existential search for power' over the CEECs, and the afore-mentioned need to politically stabilize the Balkan region, remained of paramount significance for the Union during that temporal phase and were prescribing the nature and underlying logic of Euro-Balkan relationships under the SAP. Therefore, sectoral JHA cooperation continued to remain of secondary importance for the EU, as compared to its afore-mentioned larger political priorities. As a result, notwithstanding the fact that already during the SAP's launch internal security cooperation with the Balkans was proclaimed a top political priority by the EU, actual collaboration in this sphere was either not conducted at all (in the third sub-period), or in the best case was subordinated to the paramount political objective of the EU to ensure the rehabilitation of fragile post-Kosovo security environment in the region through active reform of security sector.²¹⁷

Another EU political priority during the SAP's early period resulting in the initially slow development of Euro-Balkan 'JHA dialogue', was to secure the credibility of its membership promise and to ensure support for further development of its accession policy in the Balkans. In the early 2000s, the EU attempted to consolidate institutional platform of its relations with the regional Balkan governments through a series of Euro-Balkan conferences and summits, including the European Council meetings in Santa Maria de Feira (June 2000), the Zagreb summit (November 2000), the London conference on South-Eastern European organized crime (November 2002), and the Thessaloniki summit (June 2003).²¹⁸ At these high-level meetings, the EU attempted to define the modalities of its conditionality policy and to formulate the overarching strategy of its future 'JHA dialogue' with the Balkan applicants, in which more advanced institutional relations with the Union would be linked to their respective progress in the area of criminal police interaction. The accession-related requirements regarding Euro-Balkan police collaboration were further formalized through a series of contractual agreements that the EU concluded with the Balkan countries, including the afore-mentioned SAAs, the European²¹⁹ and

²¹⁷ As part of post-conflict stabilization, regional governments in the Balkans were encouraged to establish demilitarized, decentralized, depoliticized, multi-ethnic and publicly accountable police services. As evident from analysis of the Commission's first Progress Reports issued in the early 2000s (and of the respective annual Council's reports), virtually no attention was paid by the Union to the need for the Balkan participants of the SAP to cooperate internationally on criminal police matters (for example, European Commission 2005b).

²¹⁸ For example, the EU-Western Balkan Summit in Zagreb in November 2000 emphasized that the Balkan countries' EU membership prospect depended on the efficacy of their crime-fighting endeavours. The Summit made strong emphasis on regional collaboration among Balkan countries in the area of police teamwork, which was to be achieved through signing regional cooperation conventions for combating organized crime (Council of the European Union 2000c).

²¹⁹ The concept of European Partnerships was introduced at the Thessaloniki summit of June 2003. While for Macedonia and Croatia European Partnerships complemented the already-concluded SAAs, for the rest of Balkan applicants European Partnerships became the first formal step towards the EU membership criteria. Most European Partnerships contain a provision calling for enhanced police cooperation with the EU and require from the Balkan

Accession Partnerships.²²⁰ The first SAAs were concluded already in 2001 with Croatia and Macedonia, with general priorities of law enforcement cooperation outlined in the SAAs' respective 'JHA chapters'. The SAAs with other Western Balkan countries were, by the mid-2000s, either in the process of negotiation, or preparations for the conclusion of the respective treaty were underway.²²¹ By 2004, most European Partnerships laying down both short-term and middle-term priorities for police and counter-crime collaboration were signed between the Union and the respective Balkan applicants.²²² In addition, as part of the Union's endeavours to consolidate institutional platform for its relations with the regional governments on internal security matters, the JHA ministerial meetings on the Western Balkans started to convene in routine format (since 2003).

In short, the initial post-Kosovo period coincided temporarily with a lack of political certainty in the EU about the future of the region, and with the SAP's consolidation phase. Alongside this fact, the Union's continuing preoccupation with the resolution of remaining constitutional issues in the Balkans, the prevailing role of the Stability Pact, and the EU's continuing preparations to the 'big bang' enlargement, occasioned the (initially) slow development of Euro-Balkan police cooperation in the third sub-phase. Because of the afore-mentioned politics-related reasons, especially in the period leading up to the 2004 enlargement, the criminal situation at its 'turbulent Balkan periphery' continued to remain *de facto* a low priority for the Union and the operational dimension of Euro-Balkan policing under the SAP was not active. Cooperation on criminal police matters was conducted in the Balkans mainly at the bilateral level – by individual EU member states (both *via* the traditional Interpol channels and by liaison officers of the EU's member states stationed in interior ministries of the Balkan countries (I6)), through the U.S.-sponsored SECI Center, and also through regional security forums such as the Italian Adriatic-Ionian Initiative.²²³

states to accelerate domestic reforms leading to conclusion of agreements with Europol (for example, Commission of the European Communities 2004).

²²⁰ With respect to the frontline candidate countries Croatia and Macedonia, the SAP was governed by the instrument of 'Accession Partnership' (while other Balkan states – both 'candidates' and 'potential candidates' – benefited from the 'European Partnerships'). Like European Partnerships, Accession Partnerships also contained provisions calling for enhanced Euro-Balkan police cooperation (for example, Council of the European Union 2008b).

²²¹ Macedonia and Croatia signed SAA with the EU in 2001, Albania – in 2006, Montenegro – in 2007, and Serbia and BiH – in 2008. Kosovo was the last to sign the SAA with the EU in 2015.

²²² Specifically, the first European Partnerships were approved with BiH, Macedonia, Albania and FR Yugoslavia (Serbia together with Montenegro, including Kosovo as defined by UN SC resolution 1244 of 10 June 1999) in March 2004.

²²³ The Initiative was launched by Italy in 1998. It had a roundtable for the discussion of common measures to fight organized crime in South-Eastern Europe.

By contrast, international police contacts at the administrative (meso-level) between the European police agencies – Europol and CEPOL – and the respective authorities on the Balkan side – were virtually non-existent until the mid-2000s (Council of the European Union 2004b). Thus, as concerns Europol, even though it was authorized and mandated by the JHA Council to establish collaboration with police authorities in the Balkans already in 2002 (Council of the European Union 2002b), and the-then Europol’s institutional resources allowed for ‘some cooperation’ with this region, as Ratzel testifies (I6), until 2004, because of the continuing political priority of Eastern enlargement, the Agency’s main focus as before were the CEECs. With CEECs, Europol cooperated through its so-called ‘First Enlargement Strategy’, while no similar strategy existed towards the Balkans and the Agency undertook almost no concrete steps to establish cooperative relations with the respective authorities in this region. The dedicated AWFs on ethnic Albanian organized crime networks (mainly drug-related) were opened in the informational system of Europol only in the late 2003,²²⁴ and it was not until 2008 that Europol issued its first real threat assessment report on impact of Western Balkan organized crime on wider European security (Council of the European Union 2004b).

As concerns CEPOL, it was likewise limited in its external cooperation with the Western Balkans during the mentioned period, and similar to Europol it mainly focused in its international cooperation with its professional counterparts in the CEECs. In the period between 2003 and 2004, the College, however, undertook some attempts to establish contacts with the police training institution of the Western Balkan states. Thus, as part of the Commission-sponsored CARDS project, and together with the Association of European Police Colleges (AEPC), CEPOL organized a series of police training workshops in the Western Balkans. These workshops aimed at familiarizing senior police officers from the training colleges of participating Balkan countries with the relevant standards and practices of police education existing in the EU. However, this was a short-term initiative that, according to the JHA Council, delivered little of the initially-expected results.²²⁵

²²⁴ Namely, the so-called ‘COPPER AWF 03-030: ‘Ethnic Albanian Organised Crime Networks: Ethnic Albanian Criminal Groups (EACG) and associated groups involved in all forms of criminality within Europol’s mandate’. Opening date: 30/12/03 (Europol 2009).

²²⁵ In December 2003, a contract was signed between CEPOL and the European Commission, according to which CEPOL was authorized to act as a major provider of training assistance to the five countries of the Western Balkans (Albania, BiH, Croatia, Macedonia and Serbia/Montenegro). Since CEPOL had no legal personality at that time (it received it only through the 2005 Council Decision), it signed a separate Memorandum of Understanding with the AEPC, whereby the latter delivered training activities on CEPOL’s behalf. The overall duration of the project was five months (2002-2004), with 1.3 million EUR allocated for the purpose of the project’s implementation (Council of the European Union 2004a).

As regards micro-, or operational, law enforcement level, the EU's initiatives in this domain in the indicated phase remained very sporadic, and limited to attempts to attain at least some coordination of the member states' liaison officers already present in the Balkans. This was, in particular, the case with Albania where the Union contributed to setting up a coordination mechanism for drug liaison officers (Council of the European Union 2003). As part of this initiative, the EU proposed to establish a network of intelligence development officers (IDOs), in the regional Balkan states and to re-deploy the EU's and member states' staff already present in the region in the capacity of the EU's IDOs to support and monitor the national services' exchange of criminal information and intelligence toward the EU's member states, Europol, and other third countries (Council of the European Union 2004b). However, according to both the JHA Council and to Ratzel, these EU's efforts to organize the liaison officers' work in the region brought about virtually none of the initially-expected results.²²⁶

Furthermore, even though the EU proclaimed provision of support related to capacity- and institution-building in the Balkans as one of the SAP's priorities already in 2000 (Council of the European Union 2000b), the 'capacity-building dimension' was also lacking in practical implementation in the third sub-phase of the EU's engagement in the region. The study of the Union's aid projects that were undertaken in the Western Balkans in 2000-2004 reveals that there was just a limited number of measures with the explicit policing-related component. This was the case even in Albania, from which the Union demanded to undertake most extensive efforts in the area of international crime-fighting and law enforcement. One of the exceptions was assistance that the Union rendered in the early 2000s to the administrative structures of international law enforcement already present in the region. The intention behind the Union's support to the project on refurbishment and rehabilitation of national Interpol centers (NCBs-Interpol), which was implemented as part of Regional CARDS programme, was to accomplish a major infrastructural capacity-building project in the post-conflict Balkan environment. As subsequent experience demonstrated, the project was instrumental in improving international police collaboration of the Balkan republics on a bilateral level (European Commission 2003).

To summarize, even though the third sub-period coincided with greater cohesiveness in the EU's police policy (enabled by the institutional revisions of Amsterdam Treaty and Tampere

²²⁶ Thus, according to the report of Friends of Presidency, 'Although there is scope for LO's to work in common [...] in reality, joint work has been very limited to date. Locally, LO's meet regularly but their exchange of information is not systematically organized, nor shared directly with Europol and as a collective EU group they have limited contact both with local and international organizations' (Council of the European Union 2004b). This information is additionally confirmed by Ratzel (I6).

Council), and the importance of Balkan crime for European security was for the first time explicitly recognized at the Union level, the EU demonstrated little motivation to pursue police cooperation in the Balkans at that sub-phase. This was despite the fact that, according to Storbeck, in the third sub-period (and especially in the next one) the Western Balkan countries' both political will and the level of institutional preparedness to cooperate internationally on criminal police matters was significantly higher than in the 1990s (I8). As shown above, the lack of cooperation on respective matters – to a significant part – was due to the politics-related reasons, which confirms the expectations of the X3-factor-linked theory. The EU's political priorities, including its preoccupation with the impending Eastern enlargement and the need to complete post-war stabilization of the Western Balkans, hampered the implementation of its functional anti-crime strategy in this region in the third sub-phase.

As a result of the ineffective EU's engagement with internal security matters in the Balkans and its inability to mobilize domestic resources effectively, in 2004 the specialized report of the EU's Friends of Presidency identified serious setbacks with the EU-guided crime-control strategies in the Balkans and an overall rhetoric-implementation gap. The report raised serious concerns about the efficacy of the Union's proclaimed objectives in the JHA policy segment of the SAP. Specifically, according to the report, even though the Union had at its disposal a broad range of instruments for security operating in the region, including its CFSP police and customs missions, plus numerous actors of member states such as police liaison officers operating individually, these actors worked under different chains of command and there was limited coordination at all levels. As further stated in the report, in the mentioned phase, the EU failed to create an overarching strategy against organized crime originating from or linked to the Western Balkans, crime remained a low priority in the Union's relations with the region, and its overall approach regarding the issue remained 'uncoordinated and compartmentalized'. The general conclusion of the report was that 'the EU does not play the leading role in coordinating the fight against organized crime in the Western Balkans region as it could and should do' (Council of the European Union 2004b).

While during the initial phase of the EU's engagement with the region, the Balkan dimension of European anti-crime policies was not active and police measures with an operational focus were virtually absent, the fourth sub-period (2005/6-2011) witnesses, by contrast, a considerable intensification of Euro-Balkan police interaction. Again, the significant numerical increase of joint Euro-Balkan policing initiatives, projects and activities that happened at that period – including at 'practical' meso- and micro-levels – cannot be linked back to the respective dynamics of regional

organized crime. This is because, as shown earlier, Balkan crime continued to display downward tendency, with the number of detectable criminal incidents falling in all three major crime categories throughout the whole post-2005 period both inside the region and within the Union itself. In other words, given continuing reduction in the previously-widespread criminalized activities due to the overall de-criminalization of regional security environment after the decade-long succession of conflicts, the *XI*-factor cannot be held causally accountable for this increase in joint Euro-Balkan police initiatives.

By contrast, institutional resources (the *X2*-factor) were an important (even though far from independent) source of development of European police cooperation in the Western Balkans during the fourth sub-phase. As demonstrated previously, in the last sub-period, institutional rationalization of the EU's police model continued: the exiting instruments of EU-wide law enforcement were strengthened and used more widely, and overall cooperation in the field took on a well-established track. By the early 2010s, cooperation was positively influenced by the new institutional capabilities that were created with the adoption of the Lisbon Treaty. Alongside the important institutional factor that clearly enabled the EU to pursue much deeper collaboration with the Western Balkans on internal security than previously, the acceleration of joint Euro-Balkan police activities is first and foremost traced back to the *X3*-factor relating to the major political shifts that occurred in that sub-period. These included first of all the completion of the 'big bang' enlargement project²²⁷ and the SAP obtaining the status of the leading EU foreign policy initiative in the region after the demise of the Stability Pact. With the demise of the Pact and withdrawal of some international donors from the region, the latter became closer to the EU politically and the Union took an almost unilateral lead in organizing cooperative JHA projects in this region.

More specifically, in the late 2004, paradigmatic shift 'from stabilization towards integration' happened in Euro-Balkan relations (Gordon 2009: 328). Symbolically, this shift occurred with the transfer in late 2004 of relationship with the Western Balkans from the competence of 'external relations' (the European Commission's Directorate General 'Foreign Affairs') to the 'enlargement' policy sector (DG 'Enlargement'), with Olli Rehn becoming its newly elected Commissioner (Belloni 2009: 319). The fact that the EU's management of the Western Balkans' portfolio was now directed by the Enlargement Directorate, which attributed a greater importance to the Western Balkans, reflected a new political consensus in the EU on the Balkan policy (Margaras 2009: 33). The 2005 Strategy on the External Dimension of JHA turned

²²⁷ This is confirmed also by Ratzel (I6).

cooperation in the internal security domain into a clear foreign policy objective for the EU. In particular, it demanded to ‘enhance appropriate operational cooperation [...] with priority countries [...] in South-Eastern Europe’ (Council of the European Union 2005a). Furthermore, in 2006, in order to infuse additional ‘instrumental rationality’ (Block 2011) into the Union's high-level political dialogue with the region on internal security matters, the specialized Action-Oriented Paper (AOP) was adopted, which proposed a series of practical recommendations for reinforcing the practical dimension of cooperation in this field in the Balkans (Council of the European Union 2006a). The afore-mentioned strategic policy documents consolidated the turn in the EU's political position concerning the Balkans, and the Union increasingly concentrated on implementing sectoral policy priorities of the SAP, including those in the internal security domain. Another stimulus that prompted the EU to pay stronger attention to Balkan crime arose from Bulgaria's and Romania's accession to the EU in 2007. According to D. Bechev, the EU learned important lessons from these two countries: their entry into the Union demonstrated that organized crime was still an ‘unfinished business’ there (I2). As a result, a stronger political decision was taken at the EU level to tighten pre-accession requirements concerning the fight with organized crime with regard to the Western Balkans (ibid).

On the Balkan side, the stabilization of regional security environment and improvement of political relations among former rivalries prompted regional governments to both take a firmer grip on crime domestically and to concentrate more enthusiastically on the anti-crime collaboration with their regional counterparts. By the mid-2000s, many of the former long-standing constitutional problems plaguing the region had already been resolved, including the conflict between Albanian separatists and the Macedonian government that ended by signing the Ohrid Agreement in August 2001, followed by the peaceful dissolution in 2006 of the Serbian-Montenegro State Union, and successful closing of ‘refugee chapter in the region’ (Blitz 2006: 252). As a result, several Balkan governments, such as the Democratic Party government in Albania (which came to power in 2005) made the fight against organized crime their political priority (Gadjanova 2006: 57). The publication of the Commission's policy paper ‘The Western Balkan Countries on the Road to the European Union’ (2006), which stressed the need for establishing bilateral relationships among the Balkan states (Gordon 2009: 328), led to a further enhancement of bilateral police contacts in the region.

Another important politics-related factor explaining acceleration of the Euro-Balkan police cooperation in the region in the fourth sub-phase was enhancement of the SAP conditionality regime through the so-called ‘sectoral conditionality’. The latter consisted of intermediate short-

term rewards such as liberalization of the visa regime that the Union proposed to the Balkan participants of the SAP, on the condition of their stronger compliance with the Union's conditionality requirements (Renner and Trauner 2009). More relaxed conditions for the Balkan citizens' entry into the EU were promised to the Western Balkan SAP applicants in exchange for their progress in the area of police cooperation and crime-fighting. Specifically, in order to be eligible for visa-free access to the Union, these countries had to demonstrate stronger compliance with the EU-posed requirement to upgrade their domestic legal systems and administrative structures to enable the conclusion of contractual agreements with Europol [in Kosovo's case this entailed cooperation with the Agency through the institutional mechanism of the EU's Rule of Law Mission in Kosovo (EULEX)].²²⁸ Strengthening of credibility of the EU's accession perspective via more relaxed visa regime together with the general increase of the EU's political attention towards the Balkans were important reasons why the Balkan governments started paying stronger attention to crime-fighting both domestically and at the regional level in the post-2005 period.

The considerable intensification of practical Euro-Balkan police collaboration from 2005/6-onwards that was spurred, *inter alia*, by the afore-mentioned politics-related factors, is confirmed by Ratzel, who was Europol's director in the period of 2005-2009 (I6). The growth of Euro-Balkan cooperative police initiatives is evident in the increased frequency and intensity of international contacts at both meso- and micro-policing levels between the Union and the respective authorities of individual Western Balkan states. Specifically, an upward cooperation trend is visible in the growing amount of criminal intelligence and data exchange, the growing number of operational cross-border investigations and training exercises, the increased number of various inter-organizational staff exchanges, and other relevant indicators. The first real professional interchanges and contacts between Europol and CEPOL – and the respective competent authorities on the Balkan side – also happened in this period. Especially in contrast to the pre-2005/6 phase, when as mentioned earlier, the contacts between the EU's law enforcement agencies and Western Balkan police authorities at both meso- and micro-levels were virtually non-existent, the regularity and density of professional police interaction between the Union's police agencies and the respective agencies in the Balkans grew considerably in the second half of the 2000s, according to Ratzel (*ibid*). In the mentioned phase, the EU also started to more actively

²²⁸ The so-called 'structured visa liberalization dialogues' were conducted by the Union with Macedonia, Serbia, Montenegro, Albania, and BiH since 2008. Formally, these dialogues were based on 'Visa Liberalization Roadmaps' that were designed for each country and outlined specific conditions and requirements towards exemption from the EU's Schengen visa requirements. The official conduct of dialogues was vested to the European Commission and Europol's officials, whose expertise was utilized to monitor the Balkan countries' compliance with the EU-posed demands in international police cooperation (e.g., European Commission 2008a).

support bilateral activities and cooperation initiatives of its member states already present in the region. Thus, it insisted that the representatives of the Commission, Council Secretariat, and Europol responsible for contacts with the Balkans should render stronger support to the liaison officers network in the Balkans (Council of the European Union 2008g).

A considerable expansion of international law enforcement contacts at both all-regional level among all Western Balkan countries and bilateral (cross-border) levels also took place in the post-2005 period. The acceleration of cross-border police interaction among police authorities in the region occurred, *inter alia*, after the adoption by the Balkan governments and the subsequent transposition into their national legal orders of the Schengen standards for operational police collaboration, which was one of the EU's conditionality requirements under the SAP. The Schengen *acquis* became part of the domestic legislation of the Balkan states through their adoption of the Police Cooperation Convention for Southeast Europe, which was signed by most regional governments in 2006. In addition, numerous cooperative agreements regulating policing modalities in the region at an operational/micro-level were signed between the Balkan countries bilaterally.²²⁹ The agreements were accompanied by the enhancement of administrative base for inter-organizational police interchanges.

As a result, in 2008, the Council's second report on the state of implementation by the member states and the EU's bodies of respective priorities contained in the 2006 Action-Oriented Paper, confirmed a real progress in the area of police cooperation between the EU's member states, European police agencies, and relevant interlocutors at the Balkan level (Council of the European Union 2008f). In 2010, the EU-Western Balkan Ministerial JHA Forum additionally confirmed that cooperative police activities at a sub-regional level in the Balkans demonstrated a considerable growth in the second half of the 2000s (Biscevic 2010).

More specifically, the increased professional contacts between Europol and Balkan police authorities are illustrative of the afore-mentioned politics-induced growth trend in Euro-Balkan internal security cooperation in the fourth sub-period. As argued earlier, despite mushrooming Balkan-linked crime both inside the Western Balkans and in Western Europe in the 1990s, virtually no strategic or operational-level cooperation on police matters existed between the EDU/Europol and the relevant agencies on the Balkan side during that decade. Since the end of the 1990s and approximately until 2004, Europol's external law enforcement agenda was defined

²²⁹ Most bilateral and multilateral treaties on police cooperation among Western Balkan states were signed only in the second half of 2000s – mostly within the PCC-SEE's framework (PCC-SEE 2011b).

by the EU's eastward enlargement priorities: internationally, Europol cooperated mainly with the CEE states-applicants for the EU membership. Even though, as noted above, all Western Balkan countries (*i.e.*, Albania, BiH, Croatia, Federal Republic of Yugoslavia and Former Yugoslav Republic of Macedonia) were included by the Council in the list of potential candidates for cooperative agreements with Europol already in 2002, the first half of the reconstruction/EU-accession period was characterized by only sporadic and temporary cooperative contacts between the Agency and the regional police authorities (mainly on non-operational issues). It was not until 2006 that Europol started to develop work contacts with the representatives of law enforcement sector in the region. The need to develop cooperative activities between the Agency and Balkan police authorities was emphasized in the 2005 Strategy on the External Dimension of JHA, where 'enhancing appropriate operational cooperation [...] with priority countries [...] in South-Eastern Europe' was highlighted as a matter of urgent concern for the Union's security agencies (Council of the European Union 2005a).

Following political call for stronger police contacts with the Balkans, from the mid-2000s, the region turned into a priority geographical area for Europol's international activities. In 2006, Europol adopted its Second Enlargement Strategy (2006-2008), or the so-called 'Western Balkan Enlargement Project',²³⁰ in which regional Balkan countries were designated a major target for its international cooperation and assistance. In 2008, Europol's Enlargement Strategy was prolonged into the consecutive two-year term – until 2010. In 2008, with the launch of EU-Balkan visa facilitation dialogue as part of pre-accession process, Europol's role in the Union's South-Eastern enlargement policy was further enhanced through its participation in the Post-Visa Liberalization Mechanism (PVLMM). As part of the PVLMM Steering Committee, together with the European Commission, Europol monitored the Balkan countries' progress in implementation of their respective obligations under the SAP in the area of crime-combat, which was one of key pre-requisites for liberalized visa regime with the Union.

The signing of contractual agreements led to strengthened contacts between Europol and the Western Balkan countries at an inter-agency level. The first operational cooperation agreement (permitting for personal data exchange) was signed in August 2006 with Croatia, the SAP's frontrunner. In the course of 2007, Albania, BiH and Macedonia all signed and ratified cooperation agreements with Europol. These agreements permitted mainly enhanced exchange of strategic information, including technical data and law enforcement expertise (*i.e.*, excluding the

²³⁰ External Strategy of Europol 2006-2008 (approved by the Management Board on 27 October 2006; not available for general public) (Council of the European Union 2009d).

exchange of personal data). In 2008, strategic cooperation agreements were concluded between Europol with Serbia and Montenegro (Council of the European Union 2008e).²³¹ The reinforcement of contractual base for collaboration led to the expansion of practical contacts at the administrative police level. In March 2008, the first liaison officer (from Croatia) was posted to Europol, and over the next few years liaison officers from other regional countries were stationed at the Europol's premises in The Hague. In 2007 and 2008, delegations from five Western Balkans countries were invited to the so-called 'awareness workshops' in Europol's headquarters in the Netherlands to facilitate practical implementation of the already concluded strategic agreements and to define the necessary requirements towards the conclusion of operational agreements (Council of the European Union 2008f). These practices were followed by the enhancement of organizational capacity and institutional restructuring both in the Western Balkan countries and in the European Police Agency. Thus, by the end of the 2000s, National Contact Bureaus (NCBs), for liaison with Europol were established in the interior ministries of the participating Balkan states, while in January 2010 a new unit dealing specifically with Western Balkan crime was set up in Europol, together with a separate data-base and a computer program for running on-going investigations in the region (Ministry of Justice of Republic of Serbia 2010: 13).

The subsequent installation of safe communication lines and interconnection of computer networks between Europol and regional police authorities led to a considerable growth in the requests for assistance from the Balkan police and to the increased exchange of criminal intelligence (e.g., Council of Ministers of Albania 2010: 319). Contacts at a personal level were also intensified during various meetings between the analytical experts of Europol and both European and Western Balkan police officials, including liaison officers present in the region.²³² The concrete output of these meetings became Europol's specialized threat assessment on Ethnic Albanian Crime Groups (EACGs) (or the so-called 'Project Copper'; Council of the European Union 2009a). In addition, a whole series of AWFs dedicated specifically to various aspects of Balkan crime was taken into operation in the second half of the 2000s.²³³ In addition to these developments, Europol's involvement in the region was stepped up through expanded professional contacts with the specialized South-Eastern European regional crime-fighting bodies such as the SELEC Center.²³⁴ Finally, the first comprehensive risk assessment report on the phenomenon of

²³¹ Kosovo maintained contacts with Europol via UNMIK.

²³² Thus, Europol also took part in the regular meetings of liaison officers, which were organized twice a year by the EU Presidency (Council of the European Union 2008e).

²³³ For example: the 'PHOENIX' AWF 07-038 on Balkan-related human trafficking; 'CHECKPOINT' AWF 05-037 on Facilitated Illegal Immigration (Europol 2009).

²³⁴ Thus, in 2008 Europol concluded Draft Roadmap on cooperation with the SECI/SELEC Center (Council of the European Union 2008c).

Balkan organized crime [the ‘Organized Crime Threat Assessment for South-Eastern Europe’ (OCTA-SEE)] was released by Europol in 2008 as one of the concrete practical outputs of joint collaboration between the Agency and the SECI/SELEC.

The increased work contacts between the European Police College and educational police institutions in the Balkans are also illustrative of the expansion of the European system of transnational policing in the region in the post-2005/6 phase. While, as discussed previously, before the mid-2000s, Euro-Balkan cooperation in the area of police training was limited, and CEPOL’s involvement in the region consisted of a single and short-term project, the post-2005/6 phase was marked by the CEPOL’s growing involvement in professional police training in the region. Particularly after the withdrawal from the Balkans of important international actors that had been previously active in the area of police training,²³⁵ CEPOL assumed almost unilateral role in the provision of professional police education there. As was the case with Europol, this intensification of Euro-Balkan collaboration in the area of law enforcement training occurred much as a direct consequence of the afore-mentioned political changes at the EU level and in the situation of continuing decline of organized crime.

Formally, the Western Balkans were identified as important region for the College in the CEPOL’s founding document, the afore-mentioned 2005 Council’s Decision, and subsequently their status as a priority region for specialized law enforcement training was confirmed in the 2008 CEPOL’s External Relations Strategy (European Police College 2008a). Following this, in the post-2005/6 period, CEPOL started organizing regular conferences and seminars with the involvement and participation of law enforcement experts and senior police leaders from the Balkans. Since 2006, contacts between the candidate Balkan countries and CEPOL’s experts increased through their participation in strategic deliberations of CEPOL’s EWRG. Since 2007, CEPOL started to host individual seminars for the Balkan SAP’s applicants and since 2008 all-regional awareness conferences and seminars for representatives of police training institutions of regional countries started to convene in regular format. During the same period, the ‘Comprehensive Operational Strategic Policing’ (COSPOL) group on the Western Balkan organized crime was created within CEPOL, with Italy and the UK as main coordinators (European Police College 2007). The signing of cooperation agreements and work arrangements

²³⁵ For example, in the 1990s, the U.S. implemented a training project of Albanian police, as part of its International Criminal Investigative Training Assistance Programme (ICITAP), while the OSCE assisted with training of Macedonian police forces.

with the educational centres of regional states (e.g., with Croatia in 2010 and with Montenegro in 2011) led to the enhancement of professional work contacts on both sides.

Finally, the expansion of the Union-wide law enforcement cooperation in the Western Balkans in the post-2005/6 period is evident in the intensification of operational police contacts at a trans-regional Balkan level. Even though the improvement of anti-crime cooperation among the Balkan SAP's applicants was elevated to the status of formal membership criteria already in the early 2000s (Delevic 2007), before the mid-2000s, as noted before, regional law enforcement collaboration proceeded slowly and developed mainly through the U.S.-sponsored SECI/SELEC. The situation, however, changed radically in the post-2005/6 period when the Commission started to monitor sectoral policies of JHA and transnational policing more closely, and the Council issued in 2006 the AOP urging the Balkan applicants to also improve the all-regional dimension of their crime-fighting.

Specifically, the collaborative policing efforts in the region intensified through the adoption by the Western Balkan countries of the Police Cooperation Convention for Southeast Europe. The Convention was signed on 5 May 2006 between the Ministers of Interior of Albania, BiH, Macedonia, Montenegro, Serbia, Moldova, and Romania. Other parties to the Convention – Bulgaria, Austria, Slovenia, and Hungary – acceded to the PCC-SEE at a later stage.²³⁶ The Convention became the first multilateral agreement concluded between the South-Eastern countries on sensitive internal security issues (PCC-SEE 2011b: 2). This is confirmed in the Convention's preamble stating that the PCC-SEE's primary objective is to 'effectively combat cross-border threats to the public order and security and international crime' (PCC-SEE 2006). The additional political significance of the Convention, beyond its obvious 'functional value', lies in the fact that it acted as a means of political integration of the Balkan countries into the EU, and as a strategy for speeding-up their EU accession. Thus, according to A. Travner, the first Director of the PCC-SEE's Secretariat (in the period 2006-2012), 'by adhering to Schengen standards through signing the Convention, the Balkan countries [*intended to*] foster their EU accession perspective' (I9).

In terms of its content, the Convention almost completely borrowed from the indigenous EU's best policing standards and *acquis* in the field – namely, the respective provisions of the

²³⁶ Kosovo did not join because it did not receive international recognition by four contracting parties of the PCC-SEE – Moldova, Romania, Serbia, and BiH. Croatia decided not to sign the Convention because it ensured early compliance with the relevant Schengen standards on operational policing. By 2006, it already held the status of an acceding country, and membership of PCC-SEE was therefore no longer important for Croatia in view of its forthcoming EU accession.

Schengen 1990 Convention, and also from other relevant tools and instruments of European law enforcement, including the already mentioned EU Framework Decision on JITs and strategies of liaison officers. Given that the PCC-SEE is almost completely based on the existing police legislation of the EU, it represents a form of formal legislative approximation with the existing Union's *acquis* in the field. Paraphrasing S. Wolff (2009: 161), the Convention became an 'external projection' of intra-EU 'police governance', or a method of 'decentralizing' to *[the EU's]* 'near abroad' the management of *[security]* threats'. In effect, the Convention became a first 'multi-jurisdictional cooperation arrangement' (Hufnagel 2010: 170) providing for a common denominator for cross-border police contacts and collaboration in South-Eastern European area, *inter alia*, on the following matters: exchange of information on individual suspects and methods and forms of crime, practical conduct of investigations, mutual secondment of liaison officers, hot pursuit, cross-border surveillance, monitored deliveries, covert cross-border operations, joint investigation teams, complex undercover investigations, and mixed patrols along the state border. Additionally, the Convention provided for the 'auxiliary measures' in the law enforcement field in the Balkans, including threat analysis, training and exchange of expertise, transmission and comparison of DNA-profiles and other biological identification material, and the installation of technical measures and communication equipment for trans-frontier police work.²³⁷

Following the PCC-SEE adoption, cross-border police interaction made significant advances in the Western Balkans within the time-span of just few years. In 2011, the PCC-SEE Secretariat published a brochure, according to which 'the role and position of the PCC-SEE partnership both in the region as well as wide international community [...] greatly enhanced in the last five year period' (PCC-SEE 2011b: 8). The officials of the Balkans interior ministries also confirmed the important role that the Convention played in the advancement of police contacts at a regional level, stating that 'cooperation *[by 2011 was]* far better than five years ago' (Milić 2010: 126).²³⁸ Between 2009 and 2010, as part of process of the Convention's implementation, several initiatives and projects with operational focus were organized by the PCC-SEE Secretariat at both all-regional and cross-border bases, including joint police exercises in hot-pursuit, controlled deliveries, and cross-border surveillance.²³⁹ The intensification of operational law enforcement

²³⁷ Importantly, the Convention contributed to a more unified jurisdictional zone for operational police undertakings in the region, as instead of going 'forum shopping', police officials could now establish only one multidisciplinary JIT instead of multiple ILORs (Hufnagel, Bronit, and Harfield 2011: 94-96).

²³⁸ This information is additionally confirmed by O. Bottechia and K. Lednik (15). Thus, according to Bottechia, bilateral and multilateral agreements concluded through the PCC-SEE made all-regional Balkan police cooperation wider and deeper, and the overall volume of police-related transactions through the PCC-SEE increased.

²³⁹ Many projects implemented within the PCC-SEE' framework relied on the EU's funds and built on the experience and expertise of the EU agencies and member states involved. For example, the second Workshop on Joint

under the auspices of the Convention in the mentioned period is also evident in various regional conferences that the PCC-SEE's Secretariat hosted on the topics related to organized crime suppression in the states-members, and in the accelerated exchange of information among participating police authorities on investigated cases of organized crime (PCC-SEE 2010c).

To summarize, the presented analysis has demonstrated that the major inducement for international EU law enforcement collaboration in the Western Balkans in the period of the 2000s came from an array of several politics-related factors. In aggregate, they were a different manifestation of an overarching political factor linked to the EU's ambition to enhance its strategic presence and realize its ambitions in its geographical neighbourhood. The analysis has also shown that institutional resources were important for the dynamics of cooperation in this field, especially in the post-2005 period, even though they did not have any independent causal impact, as was the case with a larger factor of politics. Having examined the EU's police policies in the broader temporal context of evolution of its foreign policy in the Balkans ('general case-study'), the next section turns to a more focused exploration of the political aspects of pragmatic Euro-Balkan policing ('embedded case-study').

4.3. The Political Dimension of Pragmatic Euro-Balkan Policing: Three

Mini Case-studies

The following mini case-studies are employed to illustrate how pragmatic, or 'functionally-oriented', police practices were used by the Union to advocate its political interests in the Western Balkans. Since, as was already mentioned, the JHA agencies' collaboration with the region of the Western Balkans mainly evolved in the late reconstruction and EU-accession phase, the temporal scope of analysis in this section mainly covers the respective activities of the post-2005 period.

4.3.1. Europol's Initiatives in the Balkans, in Political Context

As described in abundant detail in the second chapter, from the very beginning of its creation, Europol was intended to serve as a 'functional' police organization *par excellence*. Pursuant to its founding documents, Europol was obligated by the founding EU member states to determine its cooperative agenda – in both internal and external settings – according to the

Investigation Teams, which took place in October 2010, was financed from the Commission's budget and was attended, in addition to the Balkan participants, by Europol's representatives (PCC-SEE 2010c).

immediate priorities of the EU-wide crime control and prevention. Despite the declarative pragmatic orientation of Europol's activities, its international cooperation is, in fact, strongly impacted by the nature of the EU's international politics with the political preoccupations of the Union dictating the Agency's international activities, both in terms of choice of specific cooperative partners and also in terms of dynamics. In particular, the politics-related factor of enlargement was an important factor in Europol's collaboration with the Western Balkans: the region became a priority partner for the Agency under its Second Enlargement Strategy (2006-2008). As the former Europol's Assistance Director L. Salgo stressed in 2009 in his speech to the European Parliament, 'cooperation with the Western Balkan region *[was]* not only a priority from an operational point of view for Europol, but also a priority that countries of this region *[had]* a vocation to join the European Union in the future' (Salgó 2009). There are several ways in which the practical mandate and initiatives of the Agency were impacted in the mentioned period by the overarching priorities of the EU's South-Eastern enlargement, and the Agency acted as a tool of the Union's politics in the Balkans.

The first area where the EU's specific political preferences and considerations regarding the Western Balkans determined Europol's functional agenda in terms of priorities relates to the Agency's core functional mission of strategic intelligence analysis (Kleiven and Harfield 2008: 196). Over the years of its operation, Europol, as previously mentioned, accumulated extensive expertise in both strategic and operational intelligence analysis, and as a 'group with authorized expert knowledge' (Scherrer 2010: 62) it managed to secure a virtually unilateral monopoly on measuring the scale of the organized crime threat for the whole of the Union (Carrapico 2008). The way the Agency framed and interpreted organized crime in its annual reports was thereby instrumental in constructing the so-called 'cooperation imperative' (Scherrer 2010: 56) for the European Union, including the international dimension of EU's policing. However, despite the fact that Europol's threat assessments were from the very beginning intended to be 'technical' and 'investigation-oriented' (Kleiven and Harfield 2008: 195) analytical products, their more detailed analysis shows that the way international organized crime was presented in these reports in the mentioned period was, in fact, not that 'politically impartial'. The analysis of content of Europol's reports that were produced and issued over the longer period of its operation, and the manner in which Europol constructed and interpreted the menace of Balkan crime, demonstrates that these reports not only inadequately reflected the objective situation with the regional crime, but also reflected the development of the Union's geopolitical and foreign policy priorities towards the Balkan region.

As argued earlier, even though already in the 1990s Balkan crime first emerged as a significant criminal phenomenon for Western Europe, in its threat assessment reports issued during that period, Europol paid virtually no attention to the Balkan criminal phenomenon. Instead, the content of Europol's reports of the 1990s was strongly informed and impacted by the then EU policy of eastward enlargement: especially by the late 1990s (i.e., when EDU/Europol was obligated by the Union through the 1998 Pre-accession Pact to cooperate closely with the CEECs) and until the early 2000s, Eastern-based criminal formations were a dominant theme in Europol's situation reports on organized crime.²⁴⁰ Based on the criminal intelligence provided from the CEE-based police agencies, Europol published a range of reports dedicated exclusively to the Eastern European organized crime phenomenon, including crime from post-Soviet countries Russia and Moldova. The 'indigenous' Western Balkan crime was not a completely neglected theme in Europol's early reports, which mention the negative impact of particularly Albanian organized crime on the EU's security. However, clear priority was given by Europol to the theme of 'East European' crime, which is illustrative of the fact that politics was essential to the Agency's activities in that phase.²⁴¹

In contrast to the 1990s, when foremost attention was paid to the Eastern criminal phenomenon, in the 2000s, indigenous Western Balkan crime (in spite of its recession) became a salient theme in Europol's threat assessments. The fact that during the reconstruction/EU-accession phase Eastern crime topic became almost completely sidelined in Europol's reports in favour of an indigenous Balkan dimension of organized crime is again illustrative of Europol's activities being strongly politically-informed. Europol's growing preoccupation with the Balkan crime phenomenon in the indicated phase was caused by the fundamental change in the EU's political position regarding the Western Balkans whereby this region became a candidate for the Union's next geographical expansion. As the Western Balkans became an object of the EU's policy of enlargement, Europol opened its first AWFs on Balkan crime groups in its information database (in 2003) and the abbreviation 'WBOC', or 'Western Balkan Organized Crime', was for the first time introduced into Europol's reports, replacing thereby (in the forthcoming years) the heretofore widely used 'EEOC', or 'Eastern European Organized Crime', as a key point of reference. Likewise, Europol's increased concern with the Balkan crime that was caused by the EU's strategic reorientation away from the CEECs towards the Balkan region is evident in a series

²⁴⁰ The 1998 Pre-accession Pact demanded that Europol should engage in close consultation with its CEECs counterparts to collect and analyze information on the impact of Eastern crime on the security situation in the EU (Council of the European Union 1998c).

²⁴¹ In 2004, summarizing the overall situation with threat assessment at the EU level, the Report of the Friends of the Presidency concluded that 'a comprehensive assessment of the impact on the EU of organized crime originating from or linked to the Western Balkans has not been produced as of this date' (Council of the European Union 2004b).

of professional threat assessments addressing both thematic aspects of Balkan criminality phenomenon (e.g., the 2006 Europol's report on the Balkan-linked THB (Europol 2006)) and specific criminal formations with ethnic origins in the Western Balkans (e.g., the afore-mentioned 'Project Copper').

Europol's support for the institution- and capacity-building in this region is another example how the functional police agencies of the EU supported political priorities of the EU in the Western Balkans. On the one hand, Europol's support to the security sector reform of the Balkan countries was clearly motivated by a major pragmatic preoccupation of fighting crime, since, in the words of S. Karstedt, for anti-crime practices and technologies to be effective and to travel freely across frontiers, they require an institutional link to be 'plugged in' (Karstedt 2004: 19). At the same time, according to M.-P. Ratzel, through enhancing the crime control capacity of the Balkan law enforcement institutions, Europol indirectly contributed to the wider EU's strategic objective of 'state-crafting' in the region (I6).²⁴²

Specifically, in the mentioned period, Europol executed its police capacity- and institution-building mission in the Balkan region in the context of its participation in the international project 'International Law Enforcement Coordination Unit' (ILECU). ILECU represents a centralized communication and information-exchange channel, or hub, for all incoming and outgoing international enquiries on police assistance. The idea to create a centralized platform for coordinating all international criminal investigations (a 'one stop shop') was previously implemented in the context of the Union's enlargement to the CEECs. Thus, in 1997, based on the recommendations of the EU's Action Plan to Combat Organized Crime, the Union endorsed a single centralized structure for national police and law enforcement authorities to be established in the CEECs to ensure better coordination of mutual information exchange. To accomplish this objective, the Plan prescribed establishment of 'central national contact points [...] to speed up the exchange of information' (Council of the European Union 1997). More specific guidelines regarding the composition and technical standards of ILECUs were further provided in the context of pre-accession process in the Western Balkans: in 2008, the Council issued its 'Manual of Good Practices Concerning the International Police Cooperation Units at National Level' (Council of the

²⁴² State-crafting involves the 'creation of new government institutions and the strengthening of existing ones' (as cited in Pavlović 2011: 43). Europol's involvement in strengthening the coercive capacities of security institutions of Balkan states and its support to their institutional adaptation with the existing institutional model in the EU is a unique practice for transnational policing. Traditionally, police institution-building in post-conflict contexts and in 'failing states' is a responsibility of the paramilitary branch of law enforcement (i.e., mobile police missions engaged with peacekeeping and crisis management), while, by contrast, institutional capacity-building in foreign locations is not typical for 'criminally-' or 'intelligence-oriented' police agencies like Europol: such actors prefer to work with their overseas counterparts on the basis of the already existing structures and capabilities (Monar 2008: 129).

European Union 2008d). The Manual recommended establishing a multi-agency police unit ILECU that would be territorially located in the single building (ideally under the responsibility of a Ministry of Interior), would operate in a 24/7 regime, and would provide a single seat for all national services handling international information and intelligence exchange. Accordingly, by serving as a single centralized seat for Europol National Unit, the SIRENE Bureau, SIS, Eurodac, CIS, VIS, NCB-Interpol, and for bilateral liaison officers, this operational unit would ensure direct access to all respective European and international law enforcement databases and data communication systems.

In the context of high political priority attached to institution-building during the Western Balkans' pre-accession process, Europol took part in the two consecutive ILECU projects. The first ILECU project, financed through the CARDS' funds (with the total budget of 2 million EUR) was launched in 2005 by the European Commission. In 2008, the project was prolonged into a second consecutive term with under the heading of 'ILECU II' (European Commission 2005a), with the financial aid allocated under the IPA. Together with the Austrian Interior Ministry and Interpol, plus other regional actors, and in cooperation with the European Commission, Europol took part in the practical implementation of both stages of the ILECU in the Western Balkans in the capacity of a leading adviser. Thus, Europol worked to ensure the Balkan ILECUs' interoperability with technical rules, operational procedures and equipment standards common for the respective units in the European Union (*ibid*). During the installation of ILECU model in the Western Balkans, Europol also worked to ensure that the respective standards in the recipient Balkan states would be calibrated in accordance with the existing European data protection regime (*ibid*). As a result of Europol's endeavours, already by the late 2000s, ILECU offices were set up in all Western Balkan countries, including Kosovo, where the last ILECU was inaugurated in 2011. After completing the initial stage of the project, Europol took part in supporting the Balkan ILECUs through various process, quality management and project management courses. In particular, Europol's officials organized several courses where the law enforcement staff of ILECU of the participating Balkan states was instructed in the standards of European data protection (Police Cooperation Convention for Southeast Europe 2009).

The third way in which Europol acted as a tool of the EU's political objectives in the Western Balkans through its pragmatic projects relates to Europol's support of indigenous anti-crime schemes in the region. Through delivering analytical assistance to all-Balkan forms of police work – namely, to the SELEC Center – Europol contributed to the overarching EU's aim of enhancing regional cooperation and region-building. Attaining good level of regional cooperation

in the Balkans was advanced in the beginning by the EU as one of mandatory requirements for the Balkan states' prospective EU membership, as it was seen as one of tools of achieving long-lasting stabilization of the region in the wake of violent ethnic conflicts.

The SELEC Center²⁴³ is a primary crime-fighting platform for the geographical South-Eastern part of Europe, which is sometimes referred to as the 'Europol of South-Eastern Europe'. With a membership of 11 states from the Balkan region and large extra-regional actors, including states and international organizations,²⁴⁴ SELEC fulfills its mandate through coordinating regional police contacts and liaison at an administrative meso-level, through supporting intra-regional information exchange and through rendering assistance to the major anti-crime projects. Even though the SELEC got underway already in 2001, with an ever increasing number of successful anti-crime operations conducted since then, before 2006, Europol's professional contacts and communication with the Center remained very limited. Europol's cooperation with SELEC intensified only in the post-2005 period, following completion of its 'first enlargement project' and after the adoption of the 2006 Action-Oriented Paper in which the Agency was obligated by the Union to render assistance for all-regional forms of law enforcement in the Balkans. Europol-SELEC collaboration further intensified with the adoption of Council's conclusions in June 2008 that underlined that 'the compatibility of membership of both the European Union and of the SELEC requires an institutional and operational link between Europol and the SELEC [...]' (Commission of the European Communities 2008a).

The provision by Europol of strategic guidance and steering of work relevant to SELEC's mandate was a manifestly political undertaking, because through its activities the Agency contributed to the process of transformation of regional security space in the Balkans. In the absence of legal agreement between Europol and the Center,²⁴⁵ Europol delivered its support to the latter mainly in the form of analytical guidance and know-how transfer during regular contacts between Europol's analysts and the Center's representatives. Thus, since 2007, Europol has organized a number of training and expert meetings for the analytical staff of SELEC, acting as a main consultant in legal issues for projects involving the approximation of legal systems of the Center's participating States (Council of the European Union 2008a). Europol was part of the 'EU

²⁴³ The 'South-Eastern European Law Enforcement Centre' [formerly – the 'Regional Centre for Combating Trans-border Crime of the South-Eastern European Cooperative Initiative' (SECI)].

²⁴⁴ Information retrieved from SELEC's official web-page: <http://www.selec.org>.

²⁴⁵ Relations between Europol and the SECI Center/SELEC were regulated by a Draft Roadmap signed in November 2008 (Council of the European Union 2008c). After signing the SELEC Convention (in Bucharest, in December 2009), Europol obtained full legal rights to deliver analytical support to the Centre and to establish its liaison office in the Center's premises in Bucharest.

SECI Support Group' whose task was to assist the organization in developing its legal framework and strengthening its institutional structure (Council of the European Union 2008e). The support that Europol delivered to ensure better complementarity between the national law enforcement agendas in the Balkans was another contribution to the regionalization efforts of the Balkan states in the major area of their joint cooperation. As part of another joint collaborative project with the SELEC, Europol rendered assistance to the development of the OCTA-SEE along the same methodological lines as its own threat assessments (OCTAs). Politically, the assistance that Europol delivered to harmonize the Balkan countries' crime threat assessment methodology in accordance with the existing European standards can be interpreted as an attempt to contribute to transforming the Balkan system from 'autonomous geopolitical area' (Tsardanidis 2014: 8) into a composite part of a wider European security space. Moreover, since a wide variety of security agents, including the Balkan customs and border authorities, are represented in SELEC as equal partners, through delivering its support to the Center, the Agency contributed to the creation of the so-called 'integrated security complex' (Mocnik 2008: 91) in the region.

4.3.2. Political Aspects of Professional Police Training: the Case of CEPOL

As anonymous member of CEPOL's External Relations Work Group said, 'CEPOL's external relations are always political. We follow Commission's recommendations in terms of external relations' (I1). In his turn, Detlef Schröder, CEPOL's director in the 2010s, openly admitted: 'our cooperation on behalf of the EU with third countries is always subject to a political momentum and current EU's priorities' (I7). Indeed, CEPOL's cooperation with the Western Balkans serve as an example of a strategic inter-linkage between the EU's politics and pragmatic law enforcement – more specifically, in the area of professional police education and training. As shown earlier, pursuant to its founding document (the 2005 Council Decision on CEPOL), the College was obligated to define its external cooperative agenda of specialized police education based on operational criteria contained in Europol's threat assessment reports and to cooperate with third partners based on their 'functional relevance' for the EU-wide security. The actual practices of CEPOL's international cooperation during its major operation period of the 2000s show, however, that the College selected its external cooperative partners in line mainly with the political priorities of the EU.

Thus, while in the first half of the 2000s, CEPOL's attention was focused on the Eastern European countries-candidates for the EU's membership, since the mid-2000s, after political shift

at the EU level in favour of closer collaboration with the Balkans, regional Balkan countries were made priority partners for the international training activities of the College. In fact, while formally focused on the themes of 'equality' and 'partnership', CEPOL's relations with external partners in the Balkans were strongly asymmetric in nature, reflecting the-then hierarchy of political priorities existing in EU's relations with the Balkan applicants for membership of the EU. The so-called 'harmonized educational law enforcement training' that CEPOL delivered to the equivalent competent authorities in the region in the mentioned phase, reflected the political rationale of the SAP – as concerned both the selection of specific priority partners for cooperation, and even the content of CEPOL's practical training activities and initiatives.

First of all, CEPOL's strategy of selecting Balkan candidate countries for cooperation and hence of delivering police training to the partner police institutions in the region (in the post-2005 period) was reflective of the major political principle inherent in the SAP: the so-called 'gate-keeping', or 'phased', strategy. This strategy is a principal conditionality instrument of the SAP and a key 'mechanism of Europeanization' of the applicant states, as defined by H. Grabbe (2006). The strategy entails differentiation between the applicant Balkan states according to their progress in implementing standards pre-set by the Union during the pre-accession process, and hence their formal status on the 'pre-accession ladder'. Thus, as soon as the applicant country makes progress towards fulfilling the Union's conditionality criteria, it automatically moves a step forward in the direction of membership of the EU. As part of implementation of this political principle in practice, in its relations with the Western Balkans, the College made a crucial distinction between two groups of applicants – the 'frontline' applicants consisting of 'acceding' and 'candidate' states – and the rest of applicants consisting of states that demonstrated less progress by comparison to the former group, or the 'potential candidates'. In its cooperation in the Balkans, CEPOL was giving clear priority to the former group: while the former group of states was entitled for advanced cooperative possibilities with the College, the latter group had very limited access to the CEPOL-sponsored educational and training activities.

To illustrate, in fourth sub-phase, which coincided with the acceleration of Euro-Balkan police interaction and also with the launch of CEPOL's first training and projects in the region, the College maintained relatively active cooperative ties with law enforcement institutions of only two Balkan states – Croatia and Macedonia. As earlier noted, Croatia and Macedonia were frontline states in the SAP: both signed cooperation agreements with the Union (in 2001) and relatively quickly – by comparison to other Balkan SAP participants – acquired the status of candidate countries (Croatia – in 2004; Macedonia in 2005). Since by that time both had been granted by the

Union the status of formal candidates for the EU membership, they therefore became the only countries among the-then Balkan applicants for accession that satisfied CEPOL's partnership criteria and thereby became eligible for cooperative relations with the College. As a result, among the Balkan SAP participants, it is only representatives of police training institutions of these two states that enjoyed relatively free access to CEPOL's training and educational events. The principal aim of CEPOL's cooperation with Croatia and Macedonia as candidate (and in case of Croatia – first 'candidate' and since the early 2010s – 'acceding') countries was 'helping police training institutions [...] to adjust to the *acquis* and assisting [...] in the final steps of the accession process' (European Police College 2011b). These aspirations were conceptually reflected in the External Relation Policy Paper that CEPOL's Governing Body issued in May 2007 with a view to assisting in Macedonia's preparation for its future EU membership and to expedite Croatia's respective accession, and also in the so-called 'Pre-accession' programme that was designed by the European Commission, in which CEPOL participated (European Police College 2007).

To implement in practice the political strategy of 'prioritized levels of engagement' in the Western Balkans, since 2006, CEPOL started gradually developing cooperative ties with the afore-mentioned two states. In 2006, Croatia became the first candidate country that CEPOL's delegation visited to build contacts (European Police College 2006a). At the end of 2006, the candidate countries were also offered the possibility to occupy expert positions in the ERWG meetings three times a year. In subsequent years, CEPOL organized and hosted seminars (twice a year) to ensure more active participation of the mentioned two states. Thus, in 2007, two thematic seminars for police authorities of the candidate Balkan countries were organized (in May and September 2007, by Romania and Bulgaria, respectively), in which 11 Croatian and 12 Macedonian officials participated (European Police College 2006b). In 2007, after Bulgaria's and Romania's entry into the EU, relations with the associated and candidate Balkan states became top priority on CEPOL's external agenda, as stated in the respective work programme of the Council (ibid). In subsequent years, CEPOL organized and hosted regular seminars specifically dedicated to police cooperation with the candidate Balkan states. The candidate countries also took part in the general conferences of CEPOL.²⁴⁶

By the end of 2000s, the College put relations with the candidate Western Balkans countries on a more formal basis. The signing of cooperation agreements 'underlying the importance of law enforcement training [...] in the context of the Union's enlargement' (European Police College

²⁴⁶ For example, European Police College 2008b; 2011a; 2011c.

2011a) became an important step towards the formalization of contractual relations with the applicant states and their more systematic participation in the events organized by CEPOL. Thus, as Croatia embarked on the process of accession into the EU, it became entitled, based on the agreement concluded with CEPOL in December 2010 (the agreement was concluded with the approval of CEPOL's Governing Board with the directors of respective police institutions on the Balkan side), for extended rights in relations with the College and more active participation in its activities (compared to the rest of SAP applicants). Pursuant to this agreement, it became entitled to take part (as observer) in the meetings and discussions of CEPOL's Working Group, to participate and contribute with supporting activities to organization of CEPOL's training courses, to host and organize CEPOL's educational and training events, and to send delegations to the CEPOL's conferences. Simultaneously, senior police executives of the Croatian Police Academy became entitled to occupy expert positions in the ERWG, which meant that they now could discuss – together with CEPOL's permanent members – issues relevant to CEPOL's external collaboration. Finally, the agreement foresaw the exchange of best practices and research findings between the Croatian Police College and CEPOL, as well as exchanges and secondments of police officers and/or senior training staff members, and other rights, including access to the E-net. The core stated aim of the agreement, in view of Croatia's upcoming membership of the EU, was to familiarize Croatian police officials with 'European cooperation instruments and mechanisms' (Council of the European Union 2010).

Since the date of conclusion of the respective agreements, police authorities from other candidate Balkan countries also received extended possibilities for taking part in the aforementioned common activities of CEPOL. Thus, in 2010, the European Commission issued a positive opinion on Montenegro's application and the country was granted candidate status by the Council (in December 2010). As soon as the country obtained a status of an official candidate for the EU's membership, steps were taken by CEPOL to sign a formal agreement with this country. The respective agreement was signed in 2011. In addition to the afore-mentioned rights and benefits, including development and implementation of common curricula, regular exchange programmes (*i.e.*, the exchange of senior police officers with the EU's member states represented in the College) and mutual secondment of senior training staff members, Montenegro could now benefit from additional privileges afforded to candidate countries such as the annual allocation of free flights (Council of the European Union 2011b).

In other words, as regards the selection of priority partners for cooperation, in its external cooperation during the mentioned period, CEPOL clearly prioritized candidate and acceding

Balkan SAP participants. Given their advancements on the ‘membership ladder’ of the SAP, the countries concerned had privileged access to almost all the events and activities of the College. By contrast, SAP ‘laggards’ such as Albania, BiH, Serbia (and before 2010 Montenegro) were participating mainly in general all-regional thematic and ‘awareness’ conferences that were organized on an annual basis by CEPOL since 2008.²⁴⁷ If the aim of CEPOL’s cooperation with the ‘frontline’ Balkan states was to expedite their EU accession, CEPOL’s provision of law enforcement education to the ‘potential candidates’ in the Balkans, as stated in its 2011 External Relations Policy Paper, was to contribute to more general political goals of the SAP – namely, to the general ‘stabilization of the region and to its European perspective’ (CEPOL 2011b). These objectives were initially included and advanced in the European Partnerships and SAAs that were concluded with the respective governments on the Balkan side: both ‘conditionality instruments’ of the SAP pointed at the necessity of bringing national police services in the Western Balkans in line with the European standards through specialized police education.²⁴⁸ As a result, the ‘awareness seminars’ of CEPOL that were delivered to potential candidate-countries in the Balkans in the second half of the 2000s, were tailored in such a way as to acquaint these countries mainly with the general standards existing in the area of the EU’s internal security (such as, for example, the mandate and functioning of European institutions operating in the AFSJ²⁴⁹) in order to ‘enhance their European perspective’.²⁵⁰

In sum, in the 2000s, CEPOL's cooperative agenda was clearly strategically-driven as it reflected the politically-nuanced approach of the EU in its relations with the individual Balkan countries. Notwithstanding a formally functional character and principle of ‘networking’ inherent in CEPOL’s functioning, the actual training strategy of the College was mainly reflective of the political principle of ‘programmed vertical cooperation’ (Bowling 2010: 304), which is characteristic of the EU's overall approach to the Balkans in the context of South-Eastern enlargement.

²⁴⁷ For example, the first specific conference on the Western Balkan countries was organized by Slovenia in 2008 in Bled. The conference was devoted to establishing relations between CEPOL and all participating Balkan states. The key focus was on finding out the opportunities for collaboration in the field of law enforcement education and training, especially on matters of organised crime and on the future engagement of police officers from these countries in CEPOL’s training activities (European Police College 2009).

²⁴⁸ For instance, according to the European Partnership with Albania, the latter should ‘bring *[its]* police services up to European standards [...] by means of adequate training [...]’ (Council of the European Union 2006c).

²⁴⁹ It appears from observation of the curriculum of analytical seminars and standardized training modules that were organized by the College in 2007-2011, as well as the content of exchange programmes, online seminars, and E-learning modules, that notwithstanding formal emphasis on ‘horizontal networking’ and ‘equal’ input from all the participants as a guiding principle of CEPOL’s operation, the training practices of the College mainly reflected the EU-imposed political agenda.

²⁵⁰ Most seminars were organized and delivered on behalf of CEPOL by the individual EU states. According to the EWRC representative, Austria, France, and Switzerland were most active organizers of seminars and workshops with the participation of Balkan countries (I1; also I7).

4.3.3. The Strategic Role of the Police Cooperation Convention for Southeast Europe

The PCC-SEE is the third example of a practical policing arrangement acting as an instrument of ‘politics’ and serving the broader strategic objectives of the EU in the Western Balkans. Formally, as already mentioned, the Convention was signed by the participating EU and Balkan states as an independent international treaty with a view to facilitating operational forms of cross-border crime-fighting and law enforcement assistance inside the Balkans. As stated in its preamble, the PCC-SEE aims at ‘effectively combating cross-border threats to public order and security and international crime’ through advanced forms of trans-frontier law enforcement such as hot pursuit, cross-border surveillance, monitored deliveries, undercover investigations, joint investigation teams, and mixed patrols across the state frontiers, and other forms of police work (PCC-SEE 2006). However, notwithstanding the PCC-SEE’s proclaimed functional orientation, the Convention’s role in the Balkans is not exhausted by its merely pragmatic tasks of crime-fighting. The earlier analysis demonstrated the Convention’s ‘externally-imposed’ character: the PCC-SEE did *not* originate from the ‘bottom-up’ collaboration among police authorities in the Balkans. Instead, the Convention’s adoption was induced politically by the EU: the latter insisted that deepening regional ties among the Balkan participants of the SAP is a crucial precondition for their membership of the Union. Among the EU’s member states, according to Ottavio Bottechia, the PCC-SEE’s director in the 2010s, Austria was particularly crucial to the genesis of the Convention as it ‘acted as a political bridge between the participating Balkan countries because they were not eager to communicate with each other’ (I5). In short, the PCC-SEE originated as a political sub-product of the EU’s enlargement policy in the Balkan region.²⁵¹

As Ottavio Bottechia said in an interview, ‘the PCC-SEE was used more politically than it was expected from the beginning’ (I5). The overarching political significance of the PCC-SEE lies in its role as a promoter of closer regional cooperation in the Western Balkans: as a ‘responsible regional power’ (Raik 2006: 93), the EU advanced dense interaction among regional countries as one of means of stabilizing the region in the aftermath of violent conflicts. If during its previous

²⁵¹ As a tool of regional police cooperation, the Convention had no precedents in the Union’s previous enlargement rounds. Thus, during former enlargements, operational police-related measures (which made the core of the ‘Schengen system’) were intended to be binding upon and to apply in the new member states as from the date of their immediate entry into the Union (e.g., in case of the 2004 enlargement, pursuant to the 2003 Accession Treaty, this was 1 May 2004). The incorporation of law enforcement standards of Schengen into national legal systems was a strictly technical process intended to complement the applicant states’ adherence to the main body of the Schengen *acquis* on border controls. In the case of the Western Balkans, the applicant countries’ adoption of the policing standards of Schengen, and also of other respective standards and practices of the EU-wide, cross-border policing preceded their actual entry into the EU, and was a much more politicized process.

enlargement rounds (i.e., in 2004 and 2007), the all-regional forms of law enforcement interaction were not promoted by the EU as part of its conditionality policy,²⁵² during the Western Balkans' pre-accession process, stepping intra-regional police interaction was made by the Union as a mandatory pre-condition of their EU membership. Thus, according to the Zagreb Summit conclusions, 'rapprochement with the European Union will go hand in hand with the process of developing regional cooperation' (European Commission 2000). In the mid-2000s, the afore-described political developments at the EU level precipitated the move in the direction of greater regional ownership (Ejdus 2018: 5), whereby the SAP applicants were obligated by the Union to take stronger lead of the process of ensuring regional security in the Balkans. This inducement later found its expression in the Preamble of the Convention, according to which one of the PCC-SEE objectives is to establish 'security *partnership*' among the contracting parties. Overall, paraphrasing D. Bechev (2006: 42), the PCC-SEE could be characterized as a joint attempt on the part of both the Union and the Western Balkan SAP participants to 'craft a Balkans-specific policy combining regionalism and integration in its [*i.e., the EU's*] own structures'.

A related underlying objective of closer regional cooperation under the PCC-SEE in the context of the Western Balkan states' accession to the Union was establishing good neighbourly relations and mitigating tensions in post-conflict South-Eastern Europe. Prioritization of good neighbourliness in the EU context is reflective of the political nature of the EU itself: one of the EU's core legitimizing values is 'the development of a 'peace community' entailing reconciliation between former enemies' (Sjursen and Smith 2004: 134). Already in the early 2000s, the EU strongly encouraged countries grouped regionally to normalize relations with each other as a means of solving pressing problems in the Balkans: it emphasized, *inter alia*, that 'good neighbourly relations remain key' to their advancement in the SAP's pre-accession process (Commission of the European Communities 2007). In its first SAP's Annual Report on the Western Balkans, the Commission stated that 'Integration with the EU is only possible if future members can demonstrate that they are willing and able to interact with their neighbours as EU member states do' (Commission of the European Communities 2002). As a result of strong political inducement and the support of the EU, the political task of improving relations among the former adversaries in the Balkans became embedded in and informed the professional policing practices of the PCC-SEE.

²⁵² Although regional forms of police interaction developed among the CEE applicant states during the pre-accession process leading to the 2004 enlargement, there was a prevailing trend towards developing bilateral contacts among police authorities in CEECs. This corresponded with a general EU tendency to prioritize bilateral relations with the CEE states. As D. Bechev (2006: 29-30) argues, 'though sympathetic towards the emergence of regional cooperation on its fringe, the EU never fully embraced the latter as a core principle of its policy towards the CEECs' and 'bilateralism became the guiding principle in EU-CEE relations'.

The core mechanism by which good neighbourly relations are established are active social interaction and learning among the countries in dense institutional environment (Adler and Barnett 1998). As experience of the Convention's application in the Balkan context in the post-2006 period has shown, the PCC-SEE was instrumental for initiating the process of active networking among its participating actors and the emergence of an embryonic sense of 'we-feeling' among them. Since the outset of its functioning period, the PCC-SEE acted as a principal institutional venue for its contracting parties to negotiate with each other on various strategic and security issues relevant for the whole of the Balkans. The detailed analysis of the PCC-SEE's practices in the period under investigation (i.e., 2006-end of 2011) reveals that projects with a strict focus on 'functional crime-fighting' occupied only a small proportion of all initiatives that were undertaken under the aegis of the PCC-SEE. Notwithstanding the Convention's 'functional profile', just a small number of projects with a focus on pragmatic crime-combat were implemented by the PCC-SEE during the mentioned time-span.²⁵³

Instead, the Convention primarily served as a wider regional forum (like the Stability Pact) for meetings of various actors present in the region. Thus, it united under its auspices not only 'regular' police officials, but also senior officials from the criminal justice branch (prosecutors), eminent representatives of Balkan academia, and various experts with security profiles. Representatives from main regional security organizations and initiatives (such as the SECI/SELEC Center, the Regional Cooperation Council (RCC; former Stability Pact), South-Eastern European Police Chiefs' Association (SEPCA), Migration, Asylum, Refugees Regional Initiative (MARRI), the Geneva Center for the Democratic Control of Armed Forces (DCAF), and Europol were also present at these meetings. In addition to mid-ranking bureaucrats, the Convention united under its auspices also high-ranking political representatives both from the participating Balkan and EU states, including ministers of interior and foreign ministers. According to O. Bottechia, from the beginning, the PCC-SEE served as a 'unique bridge' and 'big umbrella organization' for all these regional actors, with virtually 'everybody being invited to *[its]* events' (15).

The operation of the PCC-SEE thus involved 'cognitive' aspect (Möller 2007: 29), in which socialization and social learning were of vital importance for building a community of like-

²⁵³ Operational activities started within the Convention's framework relatively late: it is only in 2010 when first cross-border surveillance and controlled delivery exercises were implemented between Montenegro and BiH, and Serbia and Macedonia in 2010. In 2011, exercises were held between Albania and Macedonia, and Serbia and BiH (PCC-SEE 2012).

minding practitioners. In this community, a high density of personal contacts was fundamental for generating mutual trust even among representatives of the formerly conflicting sides. During the Convention's operation, numerous workshops and seminars (usually organized by the PCC-SEE Secretariat) were hosted within the PCC-SEE, with the preferred method of interaction being mainly low-key and informal. At these meetings, actors convened to share their national experiences concerning their vision and interpretation of regional realities in the Balkans with a view to finding a consensus concerning a common 'regime' of internal security for the whole of the Balkan area. They were presenting their national crime analyses, activities undertaken and the results achieved in their fight against crime, and were also discussing both tactical and strategic aspects of regional-security building in South-Eastern Europe, with a view to devising common regional projects in this field.²⁵⁴

During their face-to-face and informal interactions that took place in dense institutional environment of seminars, workshops and meetings, security officials from the participating Balkan countries learned to socialize, to share ideas and normative standards, and to identify positively with each other. Especially during the earlier operation phase of the Convention, according to the PCC-SEE Secretariat's representatives Bottechia and Lednik, 'the process was mainly about building trust among partners', whereby joint meetings among actors, planning activities, and (subsequently) joint exercises were intended to contribute to the development of common regional 'culture' (15). In words of Lednik, the PCC-SEE Secretariat's long-term assistant, 'Every time our work groups met, trust was growing between its members [...] with time, a sense of equality grew among them and they were more eagerly putting on the table problems they had' (ibid).²⁵⁵ A crucial support to building of a common regional Balkan identity among the participating actors was rendered by the PCC-SEE's Secretariat which, according to Bottechia, worked actively to 'harmonize the atmosphere' and to ensure that participants maintain the principle of equality and equal communication in relations among them (ibid). In other words, active communication and the socialization practices of the PCC-SEE were instrumental in developing a 'we-feeling' and joint social identity whereby the Balkan region gradually became to be perceived by agents of interaction as a collective social space where regional concerns are bound together.

O. Bottechia and K. Lednik mention concrete examples how the PCC-SEE's practices were successful in 'furthering a pacific propensity' and good neighbourly relations among the

²⁵⁴ See the PCC-SEE newsletters at the PCC-SEE electronic web-page. For example, PCC-SEE 2011a.

²⁵⁵ Obviously, the similarity of languages in the Balkans (except for Albanian) had a great facilitative effect on the communication practices within the PCC-SEE.

participating actors. The first concerns Bosnia and Herzegovina, which is the ‘most disaggregated country’ in the Western Balkans in terms of domestic law enforcement structure. In the 2000s, it was extremely difficult for police officers from one entity of BiH to cross the border of its another entity. Over time, however, through the PCC-SEE’s promotion of activities such as joint surveillance exercises, the police in BiH became more trustful of each other. It is only through the PCC-SEE, according to Lednik, that the police from different entities of BiH were for the first time able to cross each others’ borders (ibid). This demonstrates how the PCC-SEE had its share in promoting the EU’s core political objective of subduing ethnic animosities in the Balkans and of nourishing friendly relations there. Kosovo is another example of PCC-SEE acting as a tool of reconciliation among former adversaries and of reducing political fragmentation in the Balkans. For several years, Kosovo could not participate in the PCC-SEE due to Serbia’s strong opposition. During joint meetings in the PCC-SEE, the European Commission made an agreement both with the PCC-SEE and Serbia, according to which Kosovo was allowed to take part in the Convention. As a result, Kosovo received a guest status in this cooperative arrangement. In words of Lednik, this shows how situation with building good neighbourly relations in the region has advanced since 2006, when Serbia was clearly opposed to Kosovo’s participation in the Convention (ibid).²⁵⁶

In short, as an institutional milieu for active social interaction of the Balkan law enforcement officials, the PCC-SEE was instrumental in constructing the basic foundations for the community-oriented social practices and behaviour in the Western Balkans, in which security became no longer perceived by the actors as ‘divisible’, but gradually became to be understood to be ‘cooperative’ and ‘indivisible’. In words of Bottechia, ‘friendships developed very quickly among the [*participating*] Western Balkan countries’ and ‘networking through the PCC-SEE made Western Balkan countries a big family at a police level’ (ibid).

Another political aspect inherent the PCC-SEE’s activities, which typifies the EU’s inclusive strategic culture that it tries to spread in its neighbourhood, relates to the Convention’s ‘holistic approach to security’. The latter, apart from the security’s ‘functional’ aspect (*i.e.*, directly related to the Convention’s mandate of creating crime-free environment in the Balkans), encompasses also other – political and societal – dimensions. In words of Bottechia, already in the early phase of the Convention’s functioning, the PCC-SEE discussed wider strategic aspects of security in the

²⁵⁶ This ‘bridge-building’ role of the PCC-SEE should not, of course, be exaggerated. According to Kryeziu (2016), Serbia lacks political will to establish police cooperation with Kosovo. Kosovo is predominantly left out of the process of police cooperation in the region and gets only very limited police intelligence, be it either from Serbia or from other countries unwilling to recognize Kosovo’s independence.

Balkans and data protection questions. During the PCC-SEE's subsequent operation, further expansion of the Convention's actions far beyond its initial crime-fighting mandate took place. Thus, in addition to projects with a strict focus on policing, one of the priority issues under the PCC-SEE became integrated border management. Given that in the previous years outstanding border disputes existed almost between each pair of states in the region (Vucetic 2001: 123), border security became a crucial precondition for the regional stabilization in the Balkans and as one of key pre-conditions for the Balkan SAP's applicants' membership of the Union.

As part of the Convention's implementation process, the PCC-SEE Secretariat organized meetings and conferences dedicated to devising strategies on integrated border management for the whole of the Balkan zone. The meetings were organized and hosted together with various extra-regional actors such as the OSCE and other stakeholders present in the region, including border control authorities of the participating Balkan states (e.g., PCC-SEE 2010a). Further priority issues under the Convention, reflecting its 'comprehensive security spirit', became crisis-management and democratization,²⁵⁷ professional police training (in joint cooperation with CEPOL), reforms in the judiciary sector in the Balkans, and counter-terrorism (PCC-SEE 2011c; 2011b). In 2011, the PCC-SEE took part in monitoring and support of the Balkan countries' post-visa liberalization process (from a technical perspective), which is also indicative of the Convention embracing a comprehensive set of security-related activities far beyond its original functional mandate. Thus, along with experts from Europol and CEPOL, the representatives of the PCC-SEE Secretariat participated in the Commission-organized meetings where they presented activities undertaken by the Convention's signatory states with an aim of preventing negative side effects of visa liberalization in the Balkans (15).

Finally, the wider political role of the PCC-SEE is evident in its disposition towards creating transnational partnerships and security dialogues whereby the Balkan region becomes gradually integrated into the wider European, but also transatlantic, zone of peace (Adler and Grieve 2009: 72). During its functioning period, aside from fostering operational police cooperation inside the Balkans, the PCC-SEE was instrumental in involving important outside actors and donors into the process of its implementation. Thus, the PCC-SEE established close contacts with various extra-regional actors such as Interpol, ICITAP, IOM, UNODC, and other international organizations whose representatives became frequent guests in the PCC-SEE's activities. In this respect, the

²⁵⁷ For example, in May 2010, the PCC-SEE participated in the conference on crisis-management and democratization in the Balkans that was organized by the International Training and Civilian Crisis-management Centre of the Ministry of Justice and Law enforcement of Hungary in cooperation with the United Nations Association of Hungary and DCAF (PCC-SEE 2010b).

Convention's political role was similar to the one of the Stability Pact as it served as a political medium for enhanced international presence in the region.

Through its meetings, the PCC-SEE also attempted to establish itself as a conduit between the geographical region of the Balkans and the European Union. Thus, during the mentioned period of the Convention's operation, the PCC-SEE's representatives participated in regular meetings with the high-ranking EU's political actors such as the EU Council and the Commission's DG JLS and DG Enlargement (PCC-SEE 2012), European development experts, and also with the Eurojust's, Europol's, and CEPOL's experts, at which questions of strategic security relevant for both the EU and the Balkans were discussed. Sometimes, even though formally decisions on operational collaboration priorities were taken independently by the PCC-SEE's governing body, the Committee of Ministers, decision-making regarding the practicalities of the Convention's implementation was influenced by the EU's side of the Convention's participants. Thus, the representatives of the European Commission were involved in deliberations of some of the PCC-SEE work groups advising on the concrete priorities of the Convention's annual work programmes. In this sense, as O. Bottechia confirms, the wider political significance of the Convention lies in the fact that its activities were not restricted to the Balkan zone alone, but it also worked to ensure the compatibility of regional strategic planning with broader pan-European concerns in the internal security sector, and thereby to establish 'common security space' with the EU (15).

Conclusion

This chapter analysed international EU police cooperation in the Western Balkans from a longer-term evolutionary perspective. The objective was to examine the development of cooperative Euro-Balkan law enforcement practices in relation to three major factors, which the existing literature considers as principal motivators of the Union's external dimension of internal security, with a view to finding out their actual causal influence on the cooperative policing process.

The findings of the chapter have demonstrated the low relevance of the XI-security/organized crime factor for the formation of the EU's cooperative internal security practices in the Balkans. In neither of the four sub-periods under investigation crime acted as an active causal trigger of the corresponding dynamics of the international policing process of the EU. Thus, despite the fact that during the first two sub-phases (1991-1995 and 1995-1999/2001)

organized crime was on a significant and constant rise in the Balkans and the Balkan-linked criminality had a strong negative effect on the EU's security situation, the upward Balkan crime dynamics were not accompanied by the respective EU response in the form of police cooperation. Similarly, in both third and fourth sub-phases (1999/2001-2005 and 2005/6-2011), criminal dynamics did not coincide temporarily with the dynamics of Euro-Balkan policing. While a substantial reduction in the Balkan crime rates occurred in the indicated time-spans in Europe, the cooperative police practices of the EU, on the contrary, were demonstrating upward dynamics.

As concerns the *X2*-factor of institutional resources, the analysis has demonstrated a strong, but still partial, causal connection between the levels of institutionalization of the EU's internal security model and the evolution of the Union's internal security strategies in the Balkans. Although general relationship was observed between the development of the EU's institutional resources and its international law enforcement cooperation for the whole longer time-stretch of 1991-2011, the most direct relationship existed between the *X2*-factor and *Y:PC* in the second half of 2000s, when strong institutionalization dynamics coincided with the intense development of Euro-Balkan police interaction. The weakest causal relation between the *X2*-factor and *Y:PC* was observed for the third sub-period, when notwithstanding the presence of institutional resources, the EU was unable to initiate police cooperation against crime in the Balkans. As regards the 1990s, the low institutionalization of the EU's policing system was important for explaining the EU's inability to provide a proportionate response against the explosive growth of Balkan crime.

The subsequent analysis has demonstrated the strongest power of the *X3*-factor with regard to explaining the *Y:PC*. According to the analysis, the development of both the EU's strategic position towards Balkan organized crime and the respective practices of European policing in the region were both tied to and causally connected with the developments in European political position towards its geographical neighbourhood. In the 1990s, the EC/EU especially prioritized cooperation with the CEECs due to the political factor of eastward enlargement, and politics (alongside with the 'dependent' institutional factor) played a crucial role in the Community/Union's inability to organize an effective response against organized crime towards its crime-afflicted Balkan neighbourhood. The 1999 Kosovo crisis became a 'critical juncture' prompting the Union to reconsider its previous passive policy approach regarding Balkan crime and to embark on a proactive and integrative policy regarding this region, which now included police cooperation as its integral part. In the 2000s, Euro-Balkan police cooperation evolved as part of two overarching EU foreign policy frameworks in the region – the Stability Pact and the Stabilization and Association Process. As the analysis has shown, in the third sub-period under

scrutiny, cooperative law enforcement process developed slowly and ineffectively due to the politics-related reasons such as the Union's strong preoccupation with the challenge of eastward enlargement (until mid-2000s), which prevented it from being engaged more actively in the Balkans, and the need to resolve the remaining territorial issues in the Balkans.

The fact that since the mid-2000s the European Union considerably intensified its cooperative police efforts in its Western Balkans and that multilateral actions at the regional police level also blossomed owe much to the *X3*-politics-related factors, specifically, to the political changes leading to the reorientation of the EU's objectives of post-conflict stabilization towards those of South-Eastern enlargement, completion of the 'big bang' enlargement project, and the strengthening of the EU's conditionality regime by the sectoral policy rewards to the Balkans. As an aggregate result of these *X3*-factor-related changes, multiplication of indigenous EU policing schemes in the region in the fourth sub-period took place alongside the growing regular law enforcement interchanges at the regional Balkan level through the Police Cooperation Convention for Southeast Europe.

The analysis further showed a significant impact of the *X3*-political factor on the pragmatic side of Euro-Balkan policing. Specifically, the investigation of initiatives performed by Europol and of CEPOL's cooperation in the area of police training in the Balkans in the post-2005 period revealed that their activities were strongly tied to the realization of the Union's political priorities in the region. In Europol's case, the analysis has shown that the political considerations of the EU influenced Europol's professional activities of strategic intelligence analysis: much of the content of Europol's professional threat assessment reports reflected the evolving trajectory of the Union's policy of enlargement. Europol's participation in the ILECU project and its assistance to the SELEC were also examples of the Agency activities in the Balkans being informed by the overarching political priorities of the Union – namely, those of capacity-building and of improving intra-regional ties in the Balkans. As regards CEPOL, much in contrast to Europol, in its collaboration in the region, the College mainly concentrated on cooperating with the 'frontline' Balkan states (candidate and acceding states): advanced cooperation in the area of police training with these countries became one of ways to expedite their future EU accession. Finally, the externalization of the EU operational police standards in the regional Balkan setting, which took the form of the Police Cooperation Convention for Southeast Europe, was one of ways of consolidating political ties among the Balkan countries.

Chapter 5. Conclusion and Summary of Main Research

Findings

Introduction

After the end of Cold War, in the context of blurring internal and external ‘security nexus’ and the concomitant proliferation of various soft security threats, including organized crime, across the frontiers of unified Europe, the European Union embraced an important new function of enforcing law outside its geographical frontiers. Alongside well-established institutional policy domains with a EU-wide competence such as Common Foreign and Security Policy and sectoral policies of economics, trade, and development, where the EU’s international ‘actorness’ has been traditionally strong, cooperation on internal security and criminal police matters started to increasingly define the Union’s profile as international actor. The existing scholarship proposed three principal interpretations of the process of internationalization of the EU’s police collaboration outside its geographical boundaries. In an attempt to explain the emergence and the ‘outward extension’ of the European internal security collaboration, most analysts subscribed to the ‘functional’ interpretation of this process, or ‘plain functionalism’, as Malcolm Anderson put it. In this explanation, the expansion of the Union’s transnational law enforcement is interpreted as a natural reaction to the tide of organized crime that constantly penetrates to the Union from zones of instability, most notably from its geographical Eastern and South-Eastern neighbourhood. The alternative strand of scholarship, while emphasizing ‘causal primacy’ of the security-related factor of organized crime in this process, also highlighted major importance of institutional resources for the development of the EU’s ED-JHA/AFSJ policy domain. Finally, some analysts, even though agreeing with their academic counterparts regarding the essentially ‘functional *raison d’être*’ of the ED-JHA/AFSJ’s genesis and evolution, advanced a viewpoint about the politically-driven nature of the JHA/AFSJ’s outward expansion. The latter type of literature accentuated the importance of political considerations in the evolving international cooperation of the EU on law enforcement issues.

The problem with the existing literature in the field is that the afore-mentioned three factors have never been put into rich empirical context and their presumed causal influence on the formation of the Union’s ED-JHA/AFSJ has never been tested thoroughly against the actual practices of the EU-led international cooperation in the field of internal security. Important

questions still remain unanswered in the academic scholarship, most notably about the actual connection of European police policies to crime, or to what extent international police activities of the Union are encouraged by the trans-frontier criminality trends; what is the relationship between the organizational evolution of the EU's police model and the Union's international practices in the field; and, finally, how in reality politics as an overarching causal determinant, together with the various politics-related sub-factors, affect the nature and dynamics of the external cooperative law enforcement process of the Union? These questions are not trivial, as their more insightful study offers a novel perspective on both the genesis and development of an external dimension of EU's policies of internal security provision and, in the longer run, contributes to the meta-theoretical and ontologically-grounded explanations of the EU as an international, *inter alia*, 'political' actor.

Taking on the existing research challenges in the field, and based on an intensive exploration of the particular case of European police cooperation in the geopolitically-significant region of the Western Balkans, the present dissertation offered more reflexive investigation of the nature, causes and dynamics of the phenomenon of external EU's internal security and police collaboration.

The specific research questions that informed this study were the following:

1. What is the real causal significance of the three factors that the existing academic literature considers vital for the formation of the external dimension of European internal security cooperation (i.e., security/organized crime, institutional context, and politics) on the actual process of international law enforcement of the EU? What factors are causally (ir)relevant in shaping the process of the Union's transnational policing?

2. How do the dynamics of the EU's international cooperation in the field of internal security historically reflect and respond to the changing political circumstances of the Union? What is the extent to which EU-wide operational police activities follow the Union's political principles and interests? How do the specialized EU police agencies and instruments of pragmatic law enforcement advance the Union's political and power-related ambitions internationally?

The Analysis in Process

The argument in the dissertation unfolded in the following steps. At the preliminary stage, in order to contextualize the study, conceptual clarifications were provided for the main terms:

‘institutionalization’, ‘organized crime’, and ‘politics’. Methodologically, the study was framed as qualitative multi-method research based on multivariate congruence testing. Three main factors that are widely assumed by scholars to underpin the external dimension of the EU's collaboration in the field of internal security were provisionally operationalized as theories, from which predictions were deduced in order to subsequently check and compare the predictive strength of theories against the ‘empirical realities’ of international police cooperation of the EU. In order to evaluate explanatory power of theories and to compare the strength of theories in relation to each other, the propositions derived from theories were checked against the empirical material to see whether theories could actually provide explanations of an outcome in the form of police cooperation.

The main body of analysis involved three consecutive analytical stages. At a first stage (second chapter), a thorough preliminary examination of the X2-factor related to the evolution of respective institutional capabilities of the EU was undertaken. Employing ‘institutionalization’ as a conceptual signpost for analysis, I provided chronological account of the organizational evolution of the EU's cooperative law enforcement model in both internal and external settings in order to understand how the ‘institutional factor’ conditioned the Union's opportunities to pursue its police policies internationally in the specific sub-phases of a longer 1991-2011 period. At this research stage, the analysis of development of both institutional platform and legal framework for EU-wide police cooperation revealed an initially slow growth of ‘indigenous’ EU institutional capabilities in the sphere of police interaction (the first and second sub-period, or ‘Maastricht Treaty period’; nascent/second institutionalization stage). By the end of 1990s – through the institutional reforms ushered in by the Amsterdam EU Treaty and the Tampere European Council – the EU progressed towards the third and fourth institutionalization stages, which resulted in the expansion of respective cooperative opportunities of the EU to act both internally and externally on police matters. The institutional sphere of the EU-wide law enforcement more or less stabilized and ‘settled’, reaching the fourth institutionalization stage, in the third sub-period, when the main police organizations of the Union were created and functioned more or less effectively. The reforms of the Lisbon Treaty of the late 2000s signified further ‘consolidation’ of the European police system and its transition to the fifth or mature institutionalization stage. It is only during the late fourth sub-period when a veritable increase in the ‘supranational’ competence of the EU in this sphere happened and its respective cooperative possibilities as a result increased.

At this stage of research, I also introduced most representative arrangements and instruments of pragmatic police cooperation in Europe in order to lay the ground for the subsequent in-depth

case-studies. Three most prominent systems of the EU's 'functional' police interaction were introduced: European Police Office, European Police College, and the strategies and techniques for operational cross-border policing in the EU, including those of the Schengen system. As already argued, the complex nature of the EU's law enforcement 'regime' and its thorny institutional evolution required sufficient attention to detail, even though not all analysis performed in the second chapter was utilized for the subsequent research purposes.

The 'intermediate' part of the dissertation (third chapter) was concerned with the exploration of the *X1*-factor of the Western Balkan organized crime and the impact of regional criminality phenomenon on the security landscape in Western Europe during the longer time-span under investigation. The dynamics of criminalized activities in the Balkans were analyzed in order to subsequently understand the extent to which 'security' considerations both informed and shaped transnational police activities of the EU during the distinct sub-phases. The analytical findings have demonstrated that the 1990s – *i.e.*, both first and second sub-periods – were characterized by a rapid proliferation of Balkan organized crime in Western Europe. The 'warfare period' contributed to the rapidly deteriorating criminal situation in the Balkans, with the resultant expansion of Balkan organized crime in its three major categories – trafficking in drugs, human beings, and SALW – in the EC/EU. By contrast, while in the 1990s the Balkan region emerged as a major source of insecurity to the EU, the assessment of the scale of crime threat on a wider European security during the next decade of the 2000s revealed a downward crime trend, typical for both third and fourth sub-periods. With the cessation of Balkan cycle of wars and normalization of regional security environment after the turbulent 1990s, the criminal situation in Western Balkans changed almost radically, resulting in a declining negative impact of Balkan crime on the EU's internal security situation.

The final (fourth chapter) constituted the centerpiece of analysis as it dealt with the dissertation's immediate research questions. Specifically, the ambition at this analytical part was to explore the causal power of the three *X1*-, *X2*-, and *X3*-factors and the concomitant theoretical explanations on the final outcome in the form of Euro-Balkan police cooperation expressed as *Y:PC*. Summarizing and drawing from analytical findings of the previous two chapters, this chapter also offered a more targeted and comprehensive analysis of the actual practices of European policing in the Western Balkans from the politics-related perspective.

The Dissertation's Main Findings

Based particularly on the analysis in the last chapter, the overall findings in this dissertation can be presented and summarized as follows.

1. Incongruence of the XI-factor-related theoretical expectations with empirical outcome and non-validity of the XI-factor-linked theory (XI:OC \nRightarrow Y:PC).

As regards the dissertation's first empirical objective, or to ascertain the extent to which the XI-security/organized crime acted as an independent causal factor in the process of development of external dimension of the EU's internal security cooperation, the study has established no direct causal connection (i.e., in terms of '*actual causality*') between the patterns of crime and evolution of the respective European Union's policies in the Balkans. Based on a thorough examination of criminal trends in the Balkans and the influence of Balkan organized crime on the European security landscape in 1991-2011, the research confirmed overall causal irrelevance of organized crime as a motivating factor of the Union's police collaboration in the region. This conclusion was derived from the following observations. Thus, according to the research findings, both first sub-period of 1991-1995 and the second one of 1995-1999/2001 were characterized by a mushrooming and rapid spread of criminalized activities with links to the Western Balkans at the territory of Western Europe. As a consequence of protracted ethnic conflicts in the post-Yugoslav space, accompanying anarchy, and ensuing economic stagnation and political instability, crime became endemic inside the geographical region of the South-Eastern Europe, resulting in its virtually inexorable spread in the EU countries. Notwithstanding this expansion of the Balkan-linked organized crime networks in the criminal markets in Western Europe, in neither of the two sub-periods the phenomenon of Balkan crime became a priority issue for the EC/EU, and no significant efforts were undertaken at the Community/Union's level to address and tackle regional crime in a coordinated manner.

Similarly, in both the third and fourth sub-phases (1999/2001-2005 and 2005/6-2011), no immediate causal relation between the criminal patterns and the dynamics of European policing in the Balkans was observed. In stark contrast to the criminal situation in the phase of armed conflicts, the 2000s were characterized by a radical decline in the intra-Balkan criminalized activities, as a result of which the negative influence of regional Balkan crime on European security also diminished. The fact that in the 2000s the region, contrary to many expectations, ceased to act as a major repository of criminal threats and a source of insecurity to the Union, was

explained with a reference to the end of armed hostilities and the ensuing improvement of socio-political and economic situation inside the region. The fall in regional crime occurred already in the early third sub-period of 2000-2005, and was particularly visible in the previously very-active markets of human smuggling and narcotics traffic, but also in the market of illegal SALW trade. At the same time, while substantial reduction in the Balkan crime rates was taking place over the whole time-span of the 1990s, the Union considerably intensified its involvement in the international crime-combat in the Balkans during this period. If the Union's police cooperation in the Balkans was demonstrating slow development in the third sub-period, in the fourth sub-phase, on the contrary, it was characterized by a considerable and rapid expansion.

In short, the findings of the chapter have demonstrated causal irrelevance of the *X1*-security/organized crime factor for the development of the EU's position regarding Balkan organized crime and its cooperative police practices in the region. Given this absence of a direct match between empirical data and the *X1*-factor, the analysis has established non-validity of the '*X1:OC* → *Y:PC*' theory.

2. Strong, yet only partial, congruence of the X2-factor-related theoretical expectations with the empirical outcome, and strong, yet only partial, validity of the X2-factor-linked theory (X2:INS - - > Y:PC). Prevailing 'causal dependence' of the X2:INS-factor on the X3:POL-factor.

The dissertation's next objective was to ascertain the degree to which the *X2*-INS (institutional capacities) acted as an enabling factor of internationalization of the EU's internal security cooperation. As already mentioned, the expectation for the *X2*-factor-linked theory was that progressive institutionalization of the EU's police model would inspire more intense international police cooperation with the Western Balkans. In this connection, the respective findings have revealed that the *X2*-factor and the concomitant theory possess overall strong, but still only partial, explanatory power with regard to the evolution of the EU's international strategies of internal security provision. Thus, on the one hand, if judged from a longer-term perspective, the progressive increase in institutional capacities of the EU was generally conducive to the growth in Euro-Balkan law enforcement cooperation. The empirical examination of developments in the longer time-stretch of 1991-2011 points at a presence of a general positive relationship between the evolution of the EU's institutional resources and its international practices in the domain of internal security. The presence of a positive connection between *X2:INS* and *Y:PC* obviously acts as proof of validity of the *X2*-factor-linked theory, according to which (as was

provisionally assumed) ‘institutionalization of law enforcement infrastructure at the European level is a ‘cause’ of police cooperation’. On the other hand, more nuanced analysis reveals that there were exceptions to this rule, as an actual increase in institutional resources has not always been conducive to the greater Euro-Balkan cooperation possibilities. In general, as regards the overall causal role of the *X2*-factor in the process of Euro-Balkan policing, it did not have its own independent causal effect on the formation of the international aspects of the EU's police interaction in this region. Instead, the *X2*-factor played a mainly secondary role in the process being itself dependent on the primary factor of politics because the way the EU utilized its institutional police potential in its relations with the Western Balkans was both following and underpinning the respective processes and dynamics of the EU's political relations in this region. This obviously points at the limitations of an explanatory ability of the *X2*-factor (and connected theory), which cannot be assumed to be an *independent* cause of events, but rather should be attributed a wider ‘enabling’ role and should be analysed in tandem with the *X3*-factor of politics.

To illustrate, both in the first and second sub-phases, the EC/EU's law enforcement system was characterized by a quite modest institutional progress, which explains well the Community's – and subsequently the Union's – inability to provide a proportionate and timely response to escalating Balkan crime. The lack of resources within the EU obviously led to the lack of cooperation with the Balkan neighbourhood, which proves the validity of the *X2*-factor-linked theory. At the same time, since in the conditions of even limited institutional capabilities, the EU demonstrated in both sub-periods (and especially in the second one) relatively strong political will to cooperate against the phenomenon of Eastern crime (notwithstanding the latter's relatively insignificant impact on the EU's security in comparison to the far stronger threat from the indigenous Western Balkan crime) and it's then institutional law enforcement potential (however limited) became employed to ensure better anti-crime collaboration first and foremost with the CEECs, this points – alongside with a strong, yet still only partial, validity of the *X2*-factor-linked theory – at the critical dependency of the *X2*-factor on the *X3*-factor.

A relatively weak causal connection between the *X2*-factor and the outcome *Y:PC* was observed in the third sub-period, when, notwithstanding relatively good institutional ability to cooperate, the EU was reluctant to initiate police cooperation against Balkan organized crime. This again points at the explanatory limitations of the *X2*-factor and linked theory in relation to the outcome *Y:POL* and crucial dependency of the *X2*-factor on the *X3*-factor. At the same time, however, the sub-factor of ‘delayed causation’ apparently explains the continuing deficit of Euro-Balkan anti-crime collaboration in that period, given that at least two years' time-lag is required to

be present between the creation of institutional infrastructure and the expected cooperative output, which somehow mitigates the explanatory deficiencies of the *X2*-linked theory.

The most direct and unambiguous relationship between the *X2*-factor and the *Y:PC* was observed in the fourth sub-period, when strong cooperative opportunities for the EU, resulting from it reaching a mature (fourth and partially fifth) level of institutionalization of its police system, coincided with the intense development of European police cooperation in the Balkans. The fourth period under examination hence explicitly demonstrates strong congruence of the *X2*-factor-related theoretical expectations with the empirical outcome, and the strong validity of the *X2*-factor-linked theory, alongside with strong 'causal dependence' of the *X2*-factor on the *X3*-POL factor.

Overall, the analytical findings at this stage have proved strong, but still partial, match of expectations deduced from the *X2*-factor-related theory with empirical data, and hence partial validity of the '*X2:INS* → *Y:PC*' theory.

3. High congruence of the X3-factor-derived theoretical expectations with empirical outcome and validity of the X3-factor-linked theory (X1:POL → Y:PC).

Finally, as regards the 'political factor', the analysis has demonstrated the strongest independent causal power of the *X3*-factor and respective theory with regard to explaining the outcome *Y:PC*. Unlike in particular the *X1*-factor of organized crime, the *X3*-factor of politics was causally significant throughout the whole period of analysis, because it 'made a difference'.

The analytical findings have shown that in all sub-periods under consideration the dynamics of transnational EC/EU cooperation on internal security matters were tied to the more general developments in the Community/Union's politics in its geographical neighbourhood and, specifically, reflected the longer-term evolutionary trajectory of the EC/EU's political position in the Western Balkans. The following observations are intended to prove this claim. Thus, in the first and especially the second period, notwithstanding limited negative influence of Eastern organized crime on the European security situation, the EC/EU made anti-crime and police cooperation with the CEECs its central policy priority due to the politics-related factor of eastward enlargement. At the same time, in the first sub-period, alongside with the important *X2:INS* factor (i.e., in this case, shortage of institutional resources), the *X3*-politics-related factors played a crucial independent causal role in the Community/Union's inability to take active position

regarding security situation in its crime-afflicted Balkan neighbourhood. In this period, the EU's major political preoccupation was to end the rampant military conflict in ex-Yugoslavia. As regards the second sub-phase, in the context of continuing importance of the X2-factor, the Union's reluctance to pay attention to the growing Balkan crime threat and to establish some law enforcement cooperation (*i.e.*, at least at macro-level) with its regional Balkan partners was again explained by the politics-related factor of Eastern enlargement and the EU's preoccupation with the post-Dayton overall stabilization of the Balkans in the wake of military conflicts.

At the brink of the 1990s/2000s, the radical change in the EU's position concerning the internal security situation in the Balkans, including its decision to reconsider a previous passive policy approach regarding the regional crime and to include police cooperation as an important component of its political relations with the Western Balkans, was again heavily impacted by the X3-politics-related factors. The pressure of political circumstances was especially evident during the landmark 1999 Kosovo crisis, when the EU realized the shortcomings of its previous political initiatives in the Balkans and decided to embark on a more integrative set of policies in its relationships with the states in the region, which now included cooperation in the police sphere as one of the means to address the continuing problems of regional instability. In the reconstruction/EU-accession decade, police cooperation was made part of the two overarching EU institutionalized political frameworks in the region – the Stability Pact for South-Eastern Europe and the Stabilization and Association Process. In this third sub-period, the EU's cooperation on internal security matters with the Balkans developed mainly through the institutional channels of the Stability Pact. The EU's cooperative law enforcement projects were heavily informed by the political rationale of the Pact's functioning and were tied to the EU's then strategic interests, which it attempted to materialize in the Balkans through the Pact's institutional mechanisms. Thus, since the EU's core motivation underlying the Pact was to ensure initial post-conflict recovery and stabilization in the Balkans, especially by means of enhanced regional collaboration and confidence-building measures among former rivalries, joint initiatives in this field of crime-combat that were implemented under the Pact's tutelage were designed in such a way as to contribute to these overarching political objectives of the post-Kosovo stabilization and transformation of the region. However, the Union's continuing political preoccupation with the challenge of eastward enlargement (until 2004), together with the need to resolve the remaining stateness and territorial issues in the Balkans, prevented it from more active engagement with the matters of law enforcement in the Balkans during this phase. Since the Union feared that the unresolved problems of the Balkan wars contained the potential to escalate into further tensions and ethnic violence, these issues received foremost attention from the Union, at the detriment of

more active cooperation against the ‘secondary issues’ of organized crime. Therefore, in the third sub-period, even with the presence of more or less adequate institutional resources, the Balkan dimension of European police cooperation – both within the Stability Pact’s and the SAP’s frameworks – developed slowly and ineffectively.

In the fourth sub-phase, the Union adopted a considerably more pro-active political-strategic stance against the phenomenon of Balkan crime, and therefore an intense development of Euro-Balkan police activities took place. Again, the intense cooperative process of the fourth sub-period did not result from the respective developments in crime, as both the presence and effect of Balkan crime on the European security continued to decline in this phase due to the natural placating of regional security space after the turbulent 1990s. Instead, the acceleration of Euro-Balkan police work mainly resulted from the politics-related factors. The fact that in this sub-phase both widening and deepening of Euro-Balkan cooperation on police matters occurred was explained with reference to the eventual completion of the Union’s eastward enlargement and the resultant paradigmatic shift from stabilization to integration in Euro-Balkan relations as of the mid-2000s, as well as by the enhancement of the SAP conditionality by ‘sectoral rewards’ such as visa liberalization and other politics-related factors. An enhancement of joint Euro-Balkan police cooperation from 2006-onwards was specifically evident in the intensification of cooperative ties between specialized EU police agencies Europol and CEPOL with the respective authorities in the Balkans. Police teamwork at a regional Balkan level also developed in the mentioned sub-period a significant growth dynamic as a result of the adoption of the 2006 Police Cooperation Convention for Southeast Europe, which derived its content from the operational law enforcement standards of the EU. All in all, the afore-said proves the strong congruence of the *X3*-factor-derived theoretical expectations with the empirical outcome and hence strong validity of the *X3*-factor-linked theory (*X1*:POL → *Y*:PC).

Extra Findings from In-depth Case-studies

4. Major influence of the (X3-politics-related) factor of enlargement on the practical side of the EU’s police cooperation in the Western Balkans.

The subsequent analysis showed considerable causal impact of the *X3*-politics-linked factor of the EU’s South-Eastern enlargement on the pragmatic dimension of Euro-Balkan law enforcement. Given the dearth of knowledge about the international dimension of operational EU practices in the respective scholarship, the last three sections of the dissertation examined the

activities of European security bodies Europol and CEPOL as ways of attaining the Union's specific political objectives in the Western Balkans, and also the 'external dimension' of operational EU police work that in the Balkans' case took the form of the Police Cooperation Convention for Southeast Europe. The investigation of initiatives and projects performed by Europol, and of CEPOL's cooperation in the area of police training in the Balkans in the post-2005 period, revealed that their activities were strongly politically-informed and were tied to the implementation of the Union's strategic interests in the region. The analysis of the respective practices of the PCC-SEE also revealed that political considerations dictated and determined much of the professional agenda of this 'functional' law enforcement arrangement for combating cross-border crime in the region.

Specifically, in case of Europol, the analysis has demonstrated that the Agency's professional functional activities of strategic intelligence analysis were informed by the EU's self-interested political considerations and priorities. Thus, in the late 1990s, Europol was strongly committed to the implementation of the political priorities of the EU as part of its policy of Eastern enlargement, as a result of which its 'technical' threat assessment reports of that period were mainly dedicated to the theme of 'Eastern crime'. The completion of the Union's Eastern enlargement project in the mid-2000s and the subsequent EU political turn towards the Western Balkans resulted in the growing attention paid to the problem of Balkan criminality, as a consequence of which Europol's reports became now increasingly concerned with the 'indigenous' Western Balkan crime theme. Europol's participation in the ILECU project was geared to implement another specific political objective of the EU's South-East European enlargement policy in the Western Balkans – namely, capacity- and institution-building. Since capacity-building was one of top priorities of the SAP as it intended to ensure post-conflict rehabilitation of infrastructural systems and building of functioning state institutions in the region, the provision of support by Europol to the ILECU was intended to contribute to the EU's political interest in attaining regional stabilization in the whole of the Balkans. In a similar vein, Europol's support to the SELEC, the central mechanism for pragmatic police cooperation in the wider South-Eastern region, was mentioned as another instance of the Agency's wider political role as a 'conduit' of the EU's strategic interests in the region. Through rendering analytical assistance and support to the Center, Europol contributed to the process of shaping regional the security cooperation and environment in the Western Balkans. In a wider sense, because Europol assisted in restructuring the Center along the organizational templates common to those existing in the EU – it was also instrumental in the process of integration of the Balkans into the EU's wider security culture and order.

CEPOL was another case-study demonstrating the strong influence of the EU's overarching politics-related considerations on the pragmatic facets of its police activities. Like those of Europol, CEPOL's training activities in the Balkans were linked to the implementation of the Union's foreign policy in the region. However, much in contrast to Europol, in its collaboration in the Western Balkans, the College pursued a more selective approach, as it mainly concentrated on the interaction with the politically more significant (i.e., for the Union), or 'frontline', Balkan participants of the SAP – candidate and acceding countries. Advanced cooperation in the area of police training with these states became one of the ways for CEPOL to expedite their future accession in the EU's structures. By contrast, CEPOL's cooperation with other – less advanced on the enlargement ladder – Balkan countries was very limited, and reflective of a lower political priority that the EU accorded to collaboration with these states given their the-then quite remote accession perspectives.

The Police Cooperation Convention for Southeast Europe was the last mini case-study in the present study. Even though the Convention, which derives its content from the original EU rules and standards of operational law enforcement, was designed to facilitate operational practices of cross-border crime-fighting in the Balkans, it transcended its original functional mandate and contributed to fostering an array of the EU's political objective in the Balkans – first of all, that of bringing about more friendly political relations, and of inspiring feelings of solidarity and community among the countries forming the region. Both regionalism and 'good neighbourliness' were a major EU preoccupation in the Balkans: the thrust of the EU's policy in the region consisted of political mediation with a view to improving the relations among former adversaries and thus to deterring the possibility of future conflicts. The analysis has demonstrated that externalization of the EU's operational policing in the regional Balkan setting in the form of the PCC-SEE arrangement was, in fact, one of the ways of nurturing communication and consensus-seeking among the Balkan countries – not only at the level of police professionals, but also high-ranking politicians.

To summarize, the three considered 'factors' differed in their relative causal importance in explaining Euro-Balkan police cooperation in the 1991-2011 period. Even though the cooperation obviously arose from a complex interaction of all three factors, and both security/organized crime and 'institutional resources' played their important role in the formation of international dimension of European policing in the Balkans, politics nonetheless acted as a *primary* active 'causal determinant' in the cooperative process.

Table 2: The dissertation's theoretical findings

Layer 1: LONGITUDINAL HISTORICAL (GENERAL) CASE STUDY			
<i>FACTORS</i>	<i>(The relationship between factors and outcome operationalized as) THEORIES</i>	<i>Layer 2: CONGRUENCE ANALYSIS. Checking the congruence of theoretical expectations with empirical data (existing theories are tested to see whether they can provide an explanation of an outcome).</i>	OUTCOMES. (Mis)match of competing theories with empirical observations → theory/-ies' validity/non-validity
<i>X1:OC</i>	<i>X1:OC → Y:PC</i>	<i>Layer 3: simple/conceptualized empirical narrative</i>	INCONGRUENCE: X1:OC ≠ Y:PC
<i>X2:INS</i>	<i>X2:INS → Y:PC</i>	<i>Layer 3: simple/conceptualized empirical narrative</i>	PARTIAL CONGRUENCE: X2:INS --> Y:PC
<i>X3:POL</i>	<i>X3:POL → Y:PC</i>	<i>Layer 3: causal narrative</i> <div>Embedded case-study</div>	CONGRUENCE: X1:POL → Y:PC

Wider Theoretical Implications

In addition to empirical findings, the dissertation also sought to contribute to the specialized literature on the external dimension of the EU's internal security cooperation, the overwhelming majority of which remains at a pre-theoretical stage and is mostly policy-oriented, as well as to the larger literature on the European Foreign Policy Analysis. Given the absence of academic consensus on how exactly to explain the ED-JHA/AFSJ, mainly due to the lack of empirical knowledge of the relative causal influence of various factors in this process, a multi-causal explanation in the rich empirical context that I conducted in the present study served to fill the existing gap in scholarly understanding of the ED-JHA/AFSJ phenomenon. While in the scholarly literature the ED-JHA/AFSJ is normally regarded as representing the sphere of 'low politics' and

is associated predominantly with the functionally-oriented cooperation under the pressure of security-linked requirements to counteract trans-frontier organized crime, the presented analysis theoretically upgraded the scholarly understanding of the ED-JHA/AFSJ through showing that 'high politics' and power are both inherent in the emergence, and causally condition the development of the ED-JHA/AFSJ phenomenon. Since the presented analysis demonstrated that in the considered historical time-span the 'low political' sphere of the EU's external cooperation on internal security is fundamentally determined by the nature of the EU's politics and the Union's 'existential' quest for power in its closest geographical neighbourhood, the dissertation thereby became a step towards situating the European Union more firmly within an ontology of international politics and building more synergetic foreign policy theory of the EU. By so doing, especially given the still meagre connection between the European Foreign Policy analysis and IR theory, this dissertation also charted the way for integrating the conceptual analysis of EFPA into the wider theoretical sphere of IR, most notably, the latter's realist wing with its emphasis on power- and politics-driven preoccupations of actors in the world arena.

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